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from
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A

MANUAL OF THE DISCIPLINE

OF THE

Methodist Episcopal Church, South,

INCLUDING

THE DECISIONS OF THE COLLEGE OF BISHOPS;

AND

RULES OF ORDER APPLICABLE TO ECCLESIASTICAL COURTS AND CONFERENCES.

BY

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Contents.

PREFACE TO THE SECOND EDITION.

This work was begun at the request of the Bishops, made in April, 1867, that the author would "prepare a Manual, or Digest of Rules of Order, applicable to our Ecclesiastical Courts and Conferences; together with the legal decisions rendered by the College of Bishops." At their next annual meeting progress was reported. By May, 1869, the Manual had been completed in its present outline and nearly all its details, and was submitted to those who had requested its preparation, and by them recommended for publication.

The Journals of the General Conferences from 1796 to 1866 have been the chief sources of authority. It has been attempted to present the principles and precedents established in adjudicated cases. To read those Journals through, and make notes on them, was the first step in the work, and but a small part of the labor. Besides such original and authentic sources, the following books have been found very useful: Old editions of the Discipline, especially those of 1797 and

1808; Emory's History of the Discipline; Hedding's Discourse on the Administration of Discipline; Baker on Discipline—a pioneer in this field, to whom every one coming after him must be indebted; and last, but not least, as the following pages testify, the Life and Times of William McKendree, by Bishop Paine.

On Rules of Order and Parliamentary Usage, the standard authorities have been consulted and used, with constant reference to their application to whatever is peculiar in our Ecclesiastical Courts and Conferences.

NASHVILLE, TENN., AUG. 1, 1870.

A MANUAL OF THE DISCIPLINE.

CHAPTER I.

THE CONFERENCES.

SEC. I.—THE GENERAL CONFERENCE.

1. At the first, those traveling preachers who had stood out a certain probation and met at the appointed time and place, whether many or few, constituted the General Conference, which then possessed unrestricted powers. In 1808 there were five hundred and forty traveling preachers, and one hundred and twenty-eight of that number, being present, constituted the General Conference. Satisfied of the propriety and utility of the system, they resolved to confirm and perpetuate it. "To this end," says Bishop McKendree, "they constituted a *delegated General Conference*, formed a *constitution*, and so limited and restricted the powers of their representatives as to preserve the system of gov-

ernment inviolate, and secure the rights and privileges of all the members. . . . The General Conference, thus constituted, is invested with 'full powers to make rules and regulations for the Church, under certain limitations and restrictions,' and to enforce those rules by means of the General Superintendents, who are amenable to them for the administration."*

Joshua Soule, who drafted the Constitution, said, in 1824: "The General Conference held and exercised unlimited power until 1812, because they met *en masse*, and not by virtue of their election or delegation. This was felt to be a dangerous state of things, and unfair to the more distant portions of the work. And one great, controlling motive in introducing the representative principle was to lessen the danger of sudden and violent changes in the fundamental polity of the Church, by establishing a delegated legislative body, under *restrictions*—thus insuring stability to the organic institutions, and equality in representation. It matters not by what name these *restrictive rules* may be called; [he called it a 'constitution;'] the design and effect were to take questions enumerated from under the control of the delegated Conference, except in the way and manner specified." (Life and Times of McKendree, Vol. II., p. 38.)

After the ministerial convention of 1784, at which the Methodist Episcopal Church in America was organized, there was no similar meeting till 1792. "A few

* Life and Times of William McKendree, Vol. II., p. 362.

years' experience," says Bishop McKendree, "taught the necessity of revising and perfecting the system of rules. For this purpose a General Conference was called, and met according to appointment, Nov. 1, 1792, and was continued, by adjournments, once in four years, until May, 1808, which was the last General Conference of this description. . . . Sundry alterations and additions were made at those five Conferences; but the principles and constituent parts of the system remained unaltered." (Pp. 360, 361.)

2. The General Conference of 1866 initiated measures for changing the composition of that chief judicatory of the Church, which had before been entirely of ministers, to include an equal number of ministers and laymen.

On April 23, the following resolution was adopted—(ayes 95, nays 50):

"*Resolved*, That it is the sense of this General Conference that Lay-representation be introduced into the Annual and General Conferences."

A Committee, composed of one from each Annual Conference, was appointed by the delegations severally, "to bring in, at an early day, a plan for effecting this object." On May 2, the Committee's report, slightly amended, was adopted by the General Conference, (ayes 97, nays 41,) and subsequently incorporated into those sections of the Discipline treating of the General and the Annual Conferences. The report of the Committee was considered to involve constitutional alterations; and having received the recommendation of *two-thirds* of the General Conference, they were sub-

mitted to the Annual Conferences for their concurrence as provided." (Journal, pp. 62, 63, 108–110.)

Accordingly, the report was laid before the Annual Conferences succeeding, and on April 16, 1867, the College of Bishops, assisted by the Book Editor, counted the vote, and announced the following result: Ayes 1199, nays 371. The proposed alterations, having been concurred in by *three-fourths* of all the members of the several Annual Conferences present and voting, were pronounced *carried*, and went into effect. (Records of College of Bishops, p. 29.)

3. The Bishops preside in the General Conference, and sign the Journal. The personal order of presiding is a matter of agreement among themselves. The one in the chair, for the time being, is the legal President of the Conference.

4. The rights and privileges of reserve, or alternate, delegates, regularly appointed, and appearing in the place of the absent principals, have not been questioned since A.D. 1812. Of course, they are subject, in their appointment, to the same conditions and qualifications as their principals.

Reserve delegates appeared in the first delegated General Conference. In the examination of the certificates, in order to organization, "a case was brought forward respecting some of the delegates from New England. It seems they elected three extra members,

who were to succeed and take place, in case of the failure of any of the first chosen delegates. The Conference took into consideration the propriety of the principle, and, after some debate, voted that this business should be laid over till to-morrow."

On the next day, (May 2,) the consideration of the question was resumed, and this "motion" passed: "Are our brethren from the New England Conference—Joel Winch and Daniel Webb—entitled to their seats in this Conference?" Ayes 56, nays 22. "They accordingly took their seats in the places of John Broadhead and Elijah R. Sabin. (Journal of General Conference, 1812, pp. 98, 99.)

At the General Conference, 1866, Bishop Pierce having stated that by mistake the Georgia Conference elected only twelve delegates, when it was entitled to thirteen, on motion of L. M. Lee, H. H. Parks was recognized as a delegate, and Alexander Means (reserve delegate) was recognized as a delegate in place of William J. Parks, whose place had been previously filled by H. H. Parks. (Journal, p. 30.)

5. The majority of "two-thirds of the General Conference," required by the constitutional proviso for recommending the alteration of a restrictive rule, is not two-thirds of all the members elected to the General Conference, but two-thirds of a *legal quorum* or more, who may be present and voting on any question.

The *legal quorum* was fixed in 1808, at "two-thirds of the representatives of all the Annual Conferences."

In 1866, on the introduction of lay-representation, it was judged proper, for obvious reasons, to change the quorum from "two-thirds" to "a majority;" and this alteration was submitted in the same report with the plan of lay-representation, to the Annual Conferences, and received a three-fourths vote, after having been recommended by a two-thirds vote of the General Conference. (Journal, p. 109.)

The Bishops having been requested by the General Conference sitting in New Orleans, 1866, to give an official opinion as to what constitutes "two-thirds"—as demanded in the *proviso* to the Restrictive Rules—on May 2, through Bishop Paine, gave the following opinion:

"Two-thirds of the General Conference are two-thirds of a legal quorum, or more, of the members who may be present and voting on any question." (Journal, p. 106.)

6. The General Conference not only makes "rules and regulations," but administers discipline, first on the Bishops, and secondly on the Annual Conferences. (Hedding.)

The settlement of the extent and manner in which this discipline may be exercised, formed an epoch in American Methodism; and not only helped, with its connected questions, to divide the Methodist Episcopal Church into two independent bodies, but constitutes, in part, the *differentia* of their constructions of the constitutional powers of the General Conference. An adjudicated case in 1844 gave occasion for general deliverances on fundamental questions, upon which the

Methodist Episcopal Church, South, is united and organized. Bishops Coke and Asbury, in their Notes on the Discipline, had said, "They (our Bishops) are entirely dependent on the General Conference;" "their power, their usefulness, themselves, are entirely at the mercy of the General Conference." Dr. Emory had quoted from a pamphlet of Mr. Dickins—one of the fathers—affirming that Bishop Asbury "derived his official power from the Conference, and therefore his office is at their disposal;" "he is liable every year to be removed." These remarks, previous to 1797, concerning a General Conference that was a convention of the entire pastorate of the Church, and therefore original and unrestricted, were applied to a *delegated* General Conference in 1844, by a Northern majority; and action was taken accordingly against Bishop Andrew, in his virtual deposition, by simple preamble and resolution, without form of trial. Bishops were the "officers of the General Conference"—the "creatures" of it—and might be removed at will by a majority vote, without process. Against these proceedings and constructions the Southern minority entered a formal protest:

"We protest against the act because we recognize in this General Conference no right, power, or authority —ministerial, judicial, or administrative—to suspend or depose a Bishop of the M. E. Church, or otherwise subject him to any official disability whatever, without the formal presentation of a charge or charges, alleging that the Bishop to be dealt with has been guilty of the violation of some law, or at least some disciplinary obligation of the Church, and also upon conviction of such charge after due form of trial."

"As the M. E. Church is now organized, and according to its organization since 1784, the Episcopacy is a coördinate branch—the executive department proper of the government. A Bishop of the M. E. Church is not a mere creature—is in no prominent sense an officer of the General Conference."

"The Bishops are, beyond a doubt, an integral constituent part of the General Conference, made such by law and the Constitution; and because elected by the General Conference, it does not follow that they are subject to the will of that body, except in conformity with legal right and the provisions of law, in the premises. In this sense, and so viewed, they are subject to the General Conference. . . . As *executive officers*, as well as *pastoral overseers*, the Bishops belong to the Church as such, and not to the General Conference, as one of its councils or organs of action merely. The General Conference is in no sense the Church, not even representatively. It is merely the representative organ of the Church, with limited powers to do its business in the discharge of a delegated trust. Because Bishops are in part constituted by the General Conference, the power of removal does not follow. Episcopacy, even in the Methodist Church, is not a mere appointment to labor; it is an official, consecrated station, under the protection of law, and can only be dangerous as the law is bad or the Church corrupt. The power to appoint does not necessarily involve the power to remove; and when the appointing power is derivative—as in the case of the General Conference—the power of removal does not accrue at all, unless by consent of the coördinate branches of the government, ex-

pressed by law, made and provided in the case. When the legislature of a State—to appeal to analogy for illustration—appoints a judge, or senator in Congress, does the judge or senator thereby become the officer or creature of the legislature, or is he the officer or senatorial representative of the State, of which the legislature is the mere organ? And does the power of removal follow that of appointment? The answer is negative in both cases, and applies equally to the Bishops of the M. E. Church, who, instead of being the officers and creatures of the General Conference, are *de facto* the officers and servants of the Church, chosen by the General Conference, as its organ of action, and no right of removal accrues, except as they fail to accomplish the *aims* of the Church in their appointment, and then only in accordance with the provisions of law."

SEC. II.—THE ANNUAL CONFERENCES.

1. An Annual Conference is composed of all the traveling preachers who are in full connection, and of four lay representatives (one of whom may be a local preacher) from each Presiding Elder's District.

See note on paragraph 2, sec. 1, of this chapter. It was considered that the delegated General Conference had no power to change its composition (formerly exclusively ministerial) or its constituency, only in a *constitutional* manner; and therefore the introduction of lay-representation into the Annual, as well as into the General Conference, was subjected to the same test—the

concurring vote of the whole body of the traveling ministry.

2. The lay members of an Annual Conference have equal rights with the ministerial, "to participate in all the business of the Conference, except such as involves ministerial character."

This exception, at first, included ministerial "relations" also, and was decided to apply to such business as involves admission on trial and into full connection, reädmission, election to deacon's and elder's orders, location, the supernumerary and superannuated relations. But the General Conference of 1870 reduced the exception to "ministerial character" alone, which covers such business as relates to the passage of character, and, of course, the trial of traveling ministers.

3. A local preacher may take his seat in an Annual Conference as alternate or reserve, instead of a layman, or *vice versa*, in the representation of a District; provided, that not more than one local preacher be admitted from any District.

4. Not being a delegated or strictly representative body, an Annual Conference has no quorum. Any number of its members met at the time and place appointed by the properly constituted authorities, may proceed to organize and to transact business.

5. The General Superintendents are constituted, by virtue of their office, Presidents of the Annual Conferences, with authority to appoint the time of holding them. By an arrangement among themselves, it is determined over which Conferences each shall preside. The Bishop to whom the oversight of a Conference is thus assigned, is its legal president for that year. By his rulings on questions of law, its proceedings are governed, and his signature is necessary to perfect its records. From his decisions on questions of order there is an appeal to the Conference. By him its appointments are made and regulated through the year. Though other Bishops may assist in the duties of the chair, one alone is president for the time being.

"There is a marked difference in the relations which a presiding Bishop sustains to the General Conference and to an Annual Conference. The former, being the highest judicatory of the Church, is not subject to the official direction and control of the President, any farther than the order of business and the preservation of decorum are concerned; and even this is subject to "rules" originating in the body. The *right* to transact business, with respect to matter, mode, and order of time, is vested in the General Conference, and limited only by constitutional provisions; and of these provisions, so far as their official acts are concerned, the Conference, and not the President, must be the

judge. But in the Annual Conferences the case is widely different. These are subordinate organizations, with their powers clearly defined and limited in the form of Discipline. Their rights and privileges are strictly chartered, and out of the record they have no jurisdiction. To these bodies the President sustains, as an executive officer, a peculiar and important relation. He presides not merely to preserve order and decorum, but with an official oversight, to guard against innovations, and to bring forward the business as prescribed by the Discipline, and see that it is done according to the law of the Church." (Episcopal Address, 1844, Journal Gen. Conf., p. 155.)

6. A Bishop presiding in an Annual Conference has no right to vote, not even on a tie. But if in his absence a President has been elected from among the traveling elders, he does not lose thereby his rights as a member of that Conference. He may vote on a ballot, or on the call for yeas and nays, or give the casting vote.

7. No Annual Conference has authority to make any rule of discipline for the Church, either within its own bounds or elsewhere. It has not the power to elect its own President, except in a special case pointed out and provided for by the General Conference. The General Conference is the only legislative body recognized in our ecclesiastical economy. The ex-

clusive power to create Annual Conferences, and to increase or diminish their number, rests with that body. Whatever may be the number of the Annual Conferences, they are all organized on the same plan, are all governed by the same laws, and all have the same rights, and powers, and privileges. These powers, and rights, and privileges are not derived from themselves, but from the body which originated them.*

8. The President of an Annual Conference has the right to decline putting the question on a motion, resolution, or report, when, in his judgment, such motion, resolution, or report does not relate to the proper business of a Conference; provided, that in all such cases the President, on being required by the Conference to do so, shall have inserted in the journals of the Conference his refusal to put the question on such motion, resolution, or report, with his reason for so refusing; and provided, that when an Annual Conference shall differ from the President on a question of law, they shall have a right to record their dissent on the journals, but there must be no discussion on the subject.

9. The President of an Annual Conference

* Episcopal Address, 1840, Journal Gen. Conf., p. 139.

has the right to adjourn the Conference over which he presides, when in his judgment all the business prescribed by the Discipline to such Conference shall have been transacted; provided, that if an exception be taken by the Conference to his so adjourning it, the exception shall be entered upon the journals of such Conference.

Certain developments in portions of the Connection, about the years 1836–1840, involving the constitutional powers and rights of Annual and Quarterly Conferences, threatened the unity and peace of the Church, and made a clearer definition necessary. Those who desired to use these ecclesiastical bodies for purposes of agitation and social reform, claimed a large latitude of action for them and in them. It was claimed that all questions of law, arising out of the business of our Annual or Quarterly Conferences, are to be, of right, settled by the decision of those bodies, either primarily by resolution, or finally by appeal from the decision of the President; that it is the prerogative of an Annual Conference to decide what business they will do, and when they will do it; that they have a constitutional right to discuss, in their official capacity, all moral subjects; to investigate the official acts of other Annual Conferences and of the General Conference, so far as to pass resolutions of disapprobation or approval of those acts; that it is the duty of the President to put all motions and resolutions to vote, when called for according to the rules of the body; that although it be-

longs to him to appoint the time of holding the Conferences, he has no discretionary authority to adjourn them, whatever length of time they may have continued their session, or whatever business they may think proper to transact.

The issue was made before the General Conference of 1840, in the following form of questions, presented in the Episcopal Address, with request for an authoritative construction:

"When any business comes up for action in our Annual or Quarterly Conferences, involving a difficulty on a question of law, so as to produce the inquiry, *What is the law in the case?* does the constitutional power to decide the question belong to the President or to the Conference?

"Have the Annual Conferences a constitutional right to do any other business than what is specifically or by fair construction provided for in the Discipline?

"Has the President of an Annual Conference, by virtue of his office, a right to decline putting a motion or resolution to vote, on business other than that prescribed or provided for?

"These questions are proposed with exclusive reference to the principle of constitutional right. The principles of courtesy and expediency are very different things."

On May 6, the matter was referred to the Committee on Itinerancy, (Dr. Winans, Chairman,) and June 3, the Committee's report, as above, was adopted.

The General Conference farther definitely declared, and inserted it in the Discipline, that the Presidents of Annual and Quarterly Conferences should decide all

questions of law coming up in the regular business of those bodies, subject to certain conditions of application and appeal. The clause concerning law questions in Annual Conferences was adopted by yeas 98, nays 5. That concerning Quarterly Conferences, "by a decided majority." (Journal Gen. Conf., 1840, pp. 24, 121, 138.)

10. When a legal decision has been duly rendered, the application of it to the facts and the case in hand is with the Conference. But the Conference may not reverse the decision, under color of applying the law. If dissatisfied, the Conference may take an appeal from the decision, but it must govern the case pending.

11. When a member of an Annual Conference, in good standing, demands a local relation, the Conference is obliged to grant it to him.*

12. The Conference-year commences when the appointments are announced in the Annual Conference, and continues until the announcing of the appointments at the next ensuing Conference. (Waugh.)

13. A preacher who has been located, with or without his consent, may at any session be reädmitted to his former position and standing, by a majority of the Conference, upon present-

* Journal Gen. Conf., 1840, p. 107.

ing the usual recommendation from the Quarterly Conference.

14. A traveling preacher, to be entitled to a supernumerary relation, must be disabled by affliction in his own person. The Conference may not vote him such a relation because his family is afflicted, or other circumstances embarrass him for the itinerancy.*

15. Methodism is union all over: union in exchange of preachers, union and exchange of sentiments, union and exchange of interests: we must draw resources from the center to the circumference. (Asbury.)

The removal of a preacher from one Conference to another is frequently as necessary for the general good as any other act of the appointing power. It has been farther thought, if a preacher wishes to remove from one Conference to another for his own *accommodation*, he has a right to demand it; and that he is "oppressed" if the supposed right be not acknowledged; and that he has, as he styles it, only to "take a transfer;" or, without asking for that instrument, to take his family and go into whatever Conference he pleases, without consulting any one, expecting his transfer afterward, as a thing of course. But who does not see, that if such opinions and proceedings be tolerated, general confusion must follow? (Hedding.)

A memorial from the New England Conference was

* College of Bishops, 1858.

addressed to the General Conference of 1840, praying that the following clause be added to the Discipline: "A Bishop shall have no authority to transfer a member of one Conference to another Conference in opposition to the wishes of said member, or in opposition to the wishes of a majority of the members of the Conference to which it is proposed to transfer such member." The committee to whom this memorial was referred, reported by recommending that "the prayer of the memorialists be not granted," and the report was adopted. (Journal, p. 56.)

16. A transferred preacher has his rights and responsibilities in the Conference to which he is transferred, from the date of the transfer by the Bishop making it. But he cannot be counted twice in the same ecclesiastical year, as the basis of General Conference representation, nor vote for General Conference delegates where he is not so counted; neither can he vote twice on the same constitutional question.

17. The General Conference of 1850 made the following deliverance: "That we greatly deplore the evil complained of in reference to transfers from one Conference to another, both on account of the spirit which it involves and its opposition to a fundamental law of Methodism; for while it has been the general usage to station the preachers within the bounds of the Conference of which they are members, still, it

is the genius of our system, and the law of our Church, that the Bishops, as General Superintendents of the Church, make such disposition of the itinerant preachers as in their judgment will best serve the whole Church."*

The use to which transferring may be put, in an extraordinary case, is given by Bishop Hedding: "The unity and prosperity of the body will depend, under God, in a great degree on the watchful oversight the General Conference shall exercise over the Annual Conferences. But should an Annual Conference do wrong, what power has the General Conference to punish? Administer censure, reproof, and exhortation, as the case may be. But should the majority of an Annual Conference become heretical, or countenance immorality, what can the General Conference do? Other remedies may answer some cases, yet I know of only *one* that can be constitutionally administered in all cases; that is, let the General Conference command the Bishops to remove the corrupted majority of an Annual Conference to other parts of the work, and scatter them among other Annual Conferences, where they can be governed, and supply their places with better men from other Conferences. But such men would not go at the appointment of the Bishop. Perhaps they would not, personally, but their names and their membership would go where they could be dealt with as their sins should deserve. It is true the Bishops have authority to do this, and in some cases it might be their duty to do it, without the command of the Gen-

* Journal Gen. Conf., p. 173.

eral Conference; yet in ordinary cases they would be likely to hesitate until the General Conference should command them."

18. The law of limitation applies to local preachers who may be employed in pastoral work, as well as to effective traveling preachers—none may remain in the same circuit or station more than four years successively; and the limitation, as to time, applies to the Presiding Elder in supplying the work, as well as to the Bishop.

19. It is a violation of law for a Bishop to continue a preacher in a station or circuit beyond the allowed time, notwithstanding the station or circuit may be divided into two or more stations or circuits.*

20. In all cases where agents are appointed—being members of an Annual Conference—their names must be attached to some District, and in case of complaint, they are responsible to the Presiding Elder thereof. It is not necessary that they should be attached to any Quarterly Conference.†

21. No recommendation from a Quarterly Conference to an Annual Conference is of any force after the session of the Annual Confer-

* Journal Gen. Conf., 1836, p. 473.
† Journal Gen. Conf., 1832, p. 422.

ence next following the grant of such recommendation.*

22. If a preacher has "withdrawn," he cannot become a member of an Annual Conference again without the usual probation, or the process in the case of the "reception of ministers from other Churches;" though he has returned to the Church and his credentials have been restored.

23. The request of a Conference that a preacher be appointed to a seminary of learning, does not put that appointment on a different ground from other appointments, and therefore does not render a compliance with the request obligatory upon the Bishop.†

24. Every member of an Annual Conference, unless he be superannuated or under arrest of character, and every preacher on trial, must receive an appointment to some station recognized by our economy. Leaving effective traveling preachers "without appointment at their own request," is a mode of disposing of them for which there is no law, and is in conflict with the declared judgment of the General Conference.‡

*Journal Gen. Conf., 1840, p. 107.
†Journal Gen. Conf., 1840, p. 165.
‡Journal Gen. Conf., 1832, p. 422; 1854, p. 348.

25. The location of a traveling preacher is to be dated, not from the time the vote of location is passed, but from the end of the Conference-year.

SEC. III.—QUARTERLY CONFERENCES.

1. The members present at the time and place regularly appointed for a Quarterly Conference constitute a quorum for the transaction of business.

2. The Presiding Elder is, by his office, the President of the Quarterly Conference. Not being a member of it, he has no vote, even on a tie. In his absence, the preacher in charge is the President, who, being a member of the body, may vote on a ballot or a call of the yeas and nays, or give the casting vote.

3. The Presiding Elder must appoint the time of holding a Quarterly Conference. If another person appoints it, without his knowledge or consent, it is not a legal session, though the preacher in charge preside in it.

4. All the members of a Quarterly Conference not under charges, have an equal right to speak on all subjects coming properly before it, and to vote on all questions, except those affecting their own standing.

5. When two circuits are united for Quarterly Conference purposes, being otherwise separate and independent, the preacher in charge within whose bounds the Quarterly Conference is held, is the President of the Conference, in the absence of the Presiding Elder. The Secretary should record the entire doings of the Conference, and the Recording Steward of each circuit take a copy of such records as pertain to his circuit.

6. The unrecorded action of the Quarterly Conference is of no legal authority; neither can a subsequent Quarterly Conference approve the minutes of a former one. The minutes should be read, and approved, and signed at the close of the session.

7. An adjournment from day to day, to finish pending business, is regular; but a Quarterly Conference may not adjourn to a distant day to take up new business which would properly come before a future Quarterly Conference. Neither has a Presiding Elder the right to call a fifth Quarterly Conference in the year to do special business. There cannot be five quarters, or five quarterly-meetings in a year. (Hedding.)

8. The Quarterly Conference has an important supervisory relation to the property and

finances of the Church, and to the faithfulness and efficiency of those officers of the Church which are created by it and responsible to it; it is therefore authorized to hear complaints against the official acts and delinquencies of local preachers, trustees, stewards, and exhorters, and to correct or remove them. Traveling preachers not being amenable to this tribunal, it is not the place to bring complaints against them.

May 3, 1866.—The General Conference having requested the Bishops "to give an official opinion as to what is meant by the word 'complaints,' in the question asked in Quarterly Conferences, 'Are there any complaints?' Bishop Pierce, in behalf of the College of Bishops, answered, That they consider that the word 'complaints' includes cases of official neglect in the officers of the Church responsible to the Quarterly Conferences, and grievances growing out of non-payment of debt, and cases of arbitration." (Journal, p. 130.)

Subsequently, in that session, that portion of the Discipline which treated on arbitration, and non-payment of debt awarded by arbitration, was stricken out; and immoralities in such matters were left, like other immoralities, to the ordinary action of Church law. But the General Conference of 1870 restored the law on arbitration.

9. The President of a Quarterly Conference has the right to decline putting the question on a motion, resolution, or report, when in his

judgment such motion, resolution, or report does not relate to the proper business of a Conference; provided, that in all such cases the President, on being required by the Conference to do so, shall have inserted in its journals his refusal to put the question on such motion, resolution, or report, with his reason for so refusing.*

10. The President of a Quarterly Conference has the right to adjourn the Conference over which he presides, when in his judgment all the business prescribed by the Discipline to such Conference shall have been transacted; provided, that if an exception be taken by the Conference to his so adjourning it, the exception shall be entered upon the journals of the Conference.†

The Quarterly Conference may resort to a remedy by taking an appeal on questions of law to the President of the Annual Conference, or making complaint of maladministration against the Presiding Elder: in either case, notice should be given, and the record, or a certified copy thereof, be sent up.

11. Every license of a local preacher is for one year, at the end of which time it expires, if not renewed. If the license of a local preacher expires, by his neglect or the refusal of the

*See Sec. ii., Par. 8, 9, of this Chapter.

†Journal Gen. Conf., 1840, p. 121.

Quarterly Conference to renew, the same preliminary steps must be taken to regain it as if a license had never been given.

12. The license must be renewed "annually;" but the ecclesiastical, and not the calendar, year is meant. If by the arrangement of Quarterly Conferences the time in which a license has run should exceed twelve months, it is not thereby rendered null and void.

13. If a Quarterly Conference refuses to renew the license of a local preacher, a subsequent Conference cannot reconsider the matter and grant a renewal. The license must be obtained through the same process as though none had ever been given.

14. A subsequent Quarterly Conference cannot reconsider the act of a former, by which a local preacher was expelled, and restore him; for if so, they might reconsider and condemn a man who had formerly been acquitted. And if they could reconsider the act of the last Quarterly Conference, they might reconsider an act passed years before.

15. An ordained local preacher is not required to have his credentials renewed every year. His ordination credentials authorize him to preach until they are surrendered or forfeited.

But all ordained local preachers, each by name, must annually pass an examination of character in the Quarterly Conference, respecting their lives, labors, and usefulness. If a Quarterly Conference refuses to pass the character of a local elder or deacon for any cause, he is immediately under arrest of ministerial character, and the administrator must proceed to an investigation of the case.

16. A Quarterly Conference may refuse to give or renew a license without assigning any cause, or finding a decrease of piety, talent, or usefulness; but it cannot deprive ordained preachers of credentials and privileges which were conferred by an Annual Conference, without moral impeachment, or complaint of unfaithfulness to the ministerial office and covenant, and an investigation or trial according to law.

CHAPTER II.

DUTIES AND RESPONSIBILITIES OF CHURCH OFFICERS.

SEC. I.—OF BISHOPS.

1. The Bishops have their part to act in the discipline of the Church, by so performing their duty in the Annual Conferences, according to the powers the Church has given them, as Presidents of those bodies, as to see that every act is in accordance with the laws of the Church. They also, as "overseers," have many duties imposed upon them, in the private interviews they hold, both with the preachers and people, in administering such instructions and reproofs as the cases which come under their observation may severally require. (Hedding.)

The relation of the Episcopal office to a uniform and efficient administration of the government, is set forth by Bishop McKendree in a paper drawn up when it was proposed to "transfer the power of choosing Pre-

siding Elders and stationing the preachers from the Bishops to the Annual Conferences."

"Take this prerogative from the Superintendents, and there will remain with them no power by which they can oversee the work, or officially manage the administration; and therefore the [General] Conference must in justice release them from their responsibilities as Bishops. . . . But such a change in the government would deprive the General Conference of an important, perhaps an essential, part of *their* authority, and put it out of *their* power to enforce and carry our system of rules into effect. This will appear from the peculiar relation between the Bishop and [General] Conference, or the connection between making our rules and enforcing them. The Superintendents are chosen by the General Conference, are the repositories of executive power, and are held responsible as overseers of the whole charge. By calling upon them, the administration, in every part of the work, may be brought under the inspection and control of the General Conference. But if the power of superintending the work were taken from the Bishops, they must be released from the responsibility; and if *they* should be released, there would be no person or persons accountable to the General Conference for the administration; and consequently, the connection between making rules and enforcing them would be dissolved. The legislative body would then have no control over the executive, no power to enforce their rules or laws. The several Annual Conferences are under the control of general rules, enforced by responsible Superintendents; so that, if a preacher should depart from the discipline or doctrine

of the Church, it is the Bishop's duty to correct, remove from office, or bring him to trial, according to Discipline. Should an Annual Conference dissent from the doctrine or discipline of the Church, the Bishop should enter his protest and bring the case before the ensuing General Conference. Should the Superintendent join with a Conference in such a departure, the next General Conference will call him to an account for it; and by this medium the General Conference takes cognizance of the acts of the Annual Conferences; so that while the Superintendents serve as a center of union and harmony among the Annual Conferences, they (*i. e.*, the Annual Conferences) become responsible to, and are brought under the inspection and control of, the General Conference." (Life and Times of William McKendree, pp. 356, 357.)

2. The Bishops are amenable to the General Conference, not only for their moral conduct and for the doctrines they teach, but also for the faithful administration of the goverment of the Church according to the provisions of the Discipline, and for all decisions which they make on questions of ecclesiastical law. In all these cases the General Conference has original jurisdiction, and may prosecute to final issue in expulsion, from which decision there is no appeal. (Soule.)

3. The General Conference appoints a Committee on Episcopacy, to examine the conduct of the Bishops, both private and official, for

the four years next preceding the session, and to present to the Conference any thing they find exceptionable. To this Committee any preacher or member of the Church may have access. (Hedding.)

The scope of this Committee was first defined in 1824. J. Soule presented the following resolution of the Committee on the Episcopacy:

"*Resolved*, That this Committee request our chairman to inquire of the Conference whether this Committee is authorized to examine into all matters connected with the Episcopacy, which to them appear proper to be inquired into."

The reply of the General Conference was as follows:

"*Resolved*, That the Committee on the Episcopacy be instructed to inquire into all matters that they may believe necessarily connected with the Episcopal office and duties, and whether the number of Bishops shall be increased. Signed, N. Bangs, W. Capers. Carried." (Journal Gen. Conf., p. 253.)

4. The opinions of a Bishop, verbal or written, given outside of a Church Court or Annual Conference, are not official or binding in the administration of discipline. Every administrator is held responsible before the proper tribunal, for the manner in which he administers the law, without regard to such informal decisions or unofficial opinions.

5. A Bishop in the chair of an Annual Con-

ference is not authorized to make decisions on questions of law growing out of supposed cases, however ingenious or interesting, but on those questions only which arise in the actual administration of discipline, and which have arisen in the order of business.

6. The College of Bishops has decided that it is not proper, in such capacity, to entertain any questions of law, or to issue any decision, except in those cases presented, according to rule, for review, or coming up by appeal from the Annual Conferences.

7. A Bishop can ordain neither a deacon nor an elder without the election of the candidate by the Annual Conference.

As to the discretion allowed after such election: In the "General Minutes of the Conferences of the Methodist Episcopal Church in America," for 1784, designed for the same end that our Discipline now is, it is said: "No person shall be ordained a Superintendent, elder, or deacon, without the consent of a majority of the Conference, and the *consent* and imposition of hands of a Superintendent." In 1789 this was changed to "the election of a majority of the Conference, and the laying on of the hands of a Bishop." From 1789 to 1808, under the section concerning Bishops and their duty, the Discipline says that on certain testimonials being furnished, "the Bishop has obtained liberty, by the suffrages of the [General] Conference, to ordain

local preachers to the office of deacons." In their Notes, Bishops Coke and Asbury say: "A branch of the Episcopal office, which in every Episcopal Church upon earth since the first introduction of Christianity, has been considered as essential to it, viz., *the power of ordination*, is *singularly* limited in our Bishops; for they not only have no power to ordain a person for the Episcopal office till he be first elected by the General Conference, but they possess no authority to ordain an elder or a traveling deacon, till he be first elected by a yearly Conference; or a local deacon, till he obtain a testimonial signifying the approbation of the Society to which he belongs, countersigned by the general stewards of the circuit, three elders, three deacons, and three traveling preachers. They are, therefore, not under the temptation of ordaining through interest, affection, or any other improper motive; because it is not in their power to do so. They have, indeed, authority to suspend the ordination of an elected person, because they are answerable to God for the abuse of their office; and the command of the apostle—'Lay hands suddenly on no man'—is absolute; and we trust where conscience was really concerned, and they had sufficient reason to exercise their power of suspension, they would do it, even to the loss of the esteem of their brethren, which is more dear to them than life." Bishop Emory held similar views.

Another aspect of the subject is presented in the Episcopal Address of 1844:

"The execution of this *office* is subject to two important restrictions, which would be very irrelevant to prelacy, or diocesan Episcopacy, constituted on the

basis of a distinct and superior *order*. The latter involves *independent action* in *conferring orders*, by virtue of authority inherent in, and exclusively pertaining to, the Episcopacy; but the former is a delegated authority to *confirm orders*, the exercise of which is dependent upon another body. The Bishop can ordain neither a deacon nor an elder without the election of the candidate by an Annual Conference; and in case of such election, he has no discretional authority, but is under *obligation* to ordain the person elected, whatever may be his own judgment of his qualifications. These are the two restrictions previously alluded to. This is certainly a wise and safe provision, and should never be changed or modified so as to authorize the Bishops to ordain without the authority of the ministry. With these facts in view, it is presumed that it will be admitted by all well-informed and candid men, that so far as the constitution of the ministry is concerned, ours is a '*moderate Episcopacy*.'"

8. A Bishop sustains the relation of a *moderator* to the General Conference. He represents no section or interest of the Church; he can claim no right to introduce motions, or to cast votes on any question. On points, both of law and order, there is an appeal from his decision to the deliberative body.

In the General Conference of 1840, (May 19,) Bishop Andrew in the chair, on a question to lay the substitute on the table, the vote stood 62 to 62. "The President voting in the affirmative, the substitute was laid

on the table." May 28, of the same session, a question, taken by yeas and nays, stood 69 to 69. Bishop Hedding in the chair, declined to give the casting vote, stating, "that in his judgment, a Bishop presiding in the General Conference has not the prerogative, in case of a tie on a question, to decide it by giving the casting vote; and that, as there was not a majority in favor of the resolution, it was lost, of course." (Journal, p. 88.)

In the General Conference of 1800, the ninth Rule of Order was: "No motion shall be put, except by the Presidents, unless it be first delivered at the table in writing, after being read by the mover, and seconded." This rule was reädopted in 1804. The first two motions recorded in the Journal were by Bishop Coke, one of which was lost; and the first, on the second day, by Bishop Asbury, "carried unanimously." During that General Conference, of one hundred and twelve members, and lasting from May 6 to May 23, Bishop Asbury made seven motions, and Bishop Coke thirteen, not all of which prevailed. They were on various subjects—revising the Discipline, interests of the Book Concern, etc. In 1808, the ninth rule stands, with this change: instead of "Presidents," it says "President"—there was but one, and the Journal shows ten motions "moved from the Chair." The Rules of Order in 1812 are not printed. Bishop Asbury is recorded as making one motion. In the General Conference of 1840, Bishop Soule offered the series of Resolutions on Colored Testimony, (adopted by 97 to 27,) which formed one of the compromises that conserved connectional unity. On June 2, of the same session, the Jour-

nal says, (p. 108,) "The Superintendents presented the following—Resolved, etc."—which was amended by the Conference, and "carried." Thus have originated many measures now standing in the Discipline.

Notwithstanding these facts of history, later usage, based on a generally-accepted view of Episcopal propriety or of ecclesiastical constitution—perhaps both—is as above stated. The Bishops do not formally introduce motions or cast votes; neither do they claim that right. The influence exerted by them, in the chief Synod of the Church, is less positive and direct. Bishop McKendree defined the General Conference to be "composed of the Bishops and representatives from all the Annual Conferences." In his Life and Times, (Vol. II., pp. 364, 365,) is a statement of his views: "The representatives and the General Superintendents who compose the General Conference, do not act as separate and distinct bodies; and yet, such is their respective relations to their constituents, that they form a check on each other in order to preserve the constitutional rights and privileges of the preachers and people. In the sixth article the mode of altering or amending the Constitution is pointed out, and stands thus: '*Provided*,' etc. . . . By this proviso our constituents have reserved to themselves the right of judging in constitutional cases, and effectually prohibited every infringement on their sacred rights. The Superintendents have no negative in the General Conference; but if that body should attempt to exceed the bounds of the delegated power, the Superintendents may declare the procedure unconstitutional; and if it should remain a subject of dispute between the Conference

and Superintendents, it must be referred to the Annual Conferences, as a constitutional question. In this way the General Superintendency is a safe and easy check on the delegated Conference. But the Bishops are amenable to that body for their administration; the Conference is therefore a powerful check on them, in the exercise of their powers."

This course was pursued with what were called the Suspended Resolutions of 1820, which were considered an infringement of the third Restrictive Article of the Constitution. This instance of Episcopal interposition in defense of the Constitution, was not only successful, but perhaps no single event has operated more influentially in shaping our Church-polity. And none rejoiced at its effects more, or were readier to acknowledge their happy character, than the once foremost advocates of the elective Presiding-eldership. One of the coördinate departments of the government was about to be swept away by another. Who should interpose? The Annual Conferences, as such, could not. The Church at large could not.

Joshua Soule said, in the session of 1824: "The General Conference is not the proper judge of the constitutionality of its own acts. The course of the last General Conference, in the case of the Suspended Resolutions, shows it thought thus. If the General Conference be the sole judge in such questions, then there are no bounds to its power." (Vol. II., p. 37.)

"Once more," says Bishop McKendree, "the General Superintendents serve as watchmen to guard the Annual Conferences against attacks on their constitutional rights. The delegated Conference is composed

of two parts—the representatives of the Annual Conferences, and the Bishops. These are equally supported by the preachers collectively, who have secured to themselves, in this capacity, the right of deciding on any alteration of the Constitution; therefore, that instrument cannot be altered or changed by the General Conference, unless they first obtain the consent of the Annual Conferences. Now, if the representatives should make a premature attack on the Constitution, it becomes the Superintendent's duty, arising out of his relation to the preachers collectively, to arrest the procedure, on constitutional principles, and thus, and on that ground, the subject may come before the Annual Conferences, whose right it is to judge in all constitutional cases. Were it not for this check, which brings all disputes respecting constitutional rights to a uniform and safe conclusion, the Church might be involved in difficulties of the most serious nature." (Vol. II., pp. 357, 358.) Hence such references as the following: In the General Conference of 1836 a stringent Report on Temperance was under discussion, when,

"On motion of W. Winans, Resolved that the resolution under consideration be referred to the Bishops, with the request that they give their opinion, whether it interferes with the fourth Restrictive Regulation in our Discipline." (Journal, p. 496.)

SEC. II.—OF PRESIDING ELDERS.

1. The Presiding Elder is appointed by the Bishop, and in his absence, represents his official

authority within the District, and exercises all his functions except ordaining.

"The General Superintendents," says Bishop McKendree, "are invested with full power to superintend the work at large. . . . But the work extended so rapidly, that in a few years it became impossible for the Bishop to superintend in person; therefore, Presiding Elders were introduced, as assistant superintendents; and, as the Bishops were the only responsible persons for the administration, they were to choose the Presiding Elders, who are fully authorized to superintend the work in the absence of the Bishops; therefore, the office of a Presiding Elder is not separate and distinct from that of a General Superintendent, but is inseparably connected with a part of it, and included in it. They are deputized by the Bishops, who bear the whole responsibility of the administration, as their assistants in the superintendency."

In 1792 the General Conference first drew up a section in the Discipline for the explanation of the nature and duties of this office.

2. The Presiding Elder has no authority to release a preacher from the performance of his ministerial duties. A clause in the Discipline, which seemed to imply this, was stricken out by the General Conference of 1840, as at variance with our system of itinerancy, and of injurious practical tendency. If a preacher leaves his charge, the responsibility rests upon himself

alone, and he must answer it at the Annual Conference.*

3. A Presiding Elder, in the absence of a Bishop, may, if necessary, remove a preacher from one charge to another within his District; but he cannot remove him beyond the limits of his District, neither can he fill any vacant place with a traveling preacher who has received an appointment in another District.

4. A Presiding Elder may not give a certificate to a traveling preacher who would withdraw from the Church, certifying to his acceptability and official standing up to date. The Annual Conference to whom such a person is amenable, claims the right of examination of character, when his name is called on the roll; and the Presiding Elder may not forestall its judgment. The request to withdraw should be made to the Conference, which alone can receive a member. This may be done through the Presiding Elder. If a traveling preacher, without this respectful formality, abandons his work and his ministry, the Presiding Elder's official duty is discharged when he has laid the facts before the Conference.

5. The license of a local preacher or exhorter,

* Journal Gen. Conf., p. 105.

or the renewal of license, when duly granted by a Quarterly Conference, must be issued and signed by the Presiding Elder, whatever may be his own judgment of the qualifications of the person licensed. It is the Quarterly Conference, and not the Presiding Elder, that grants the license.

6. A Presiding Elder, as President of an Annual Conference, has the same powers of presidency and making appointments as a Bishop; but these are only during the session of the Conference.

SEC. III.—OF PREACHERS IN CHARGE.

1. A preacher in charge is one who has the pastoral care of a circuit, or station, or mission, by appointment of the constituted authority. He may be a traveling elder or deacon, an ordained or unordained preacher on trial, or a local preacher employed for the time by the Presiding Elder to supply a vacant place: all, appointed by competent authority, possess full and equal powers as preachers in charge.

2. The preacher in charge, by virtue of his office, is the presiding officer in leaders' meetings, in the meetings of such Church Conferences as are appointed according to the Discipline, in

Quarterly Conferences in the absence of the Presiding Elder, and in the committee called to investigate the case of an accused local preacher.

3. As the Lord is a God of order and not of confusion, it is highly necessary that *one person* should be invested with the regulation of the watch-nights and love-feasts; and who would be so proper, in the absence of the Presiding Elder, as the preacher who has the oversight of the circuit? (Coke and Asbury.)

4. If, by any necessity, an unordained preacher is put in charge of a circuit or station, and in this capacity presides in a Quarterly Conference, he must sign all the papers requiring the official signature of the President, even though among them should be his own recommendation for orders, or for admission on trial into the Annual Conference, or the renewal of his license.

5. No preacher having the charge of a circuit, is allowed to divide, or in any way lessen, the circuit. (Gen. Conf., 1816.)

6. The Presiding Elder may appoint a preacher from another circuit within his District to preside at a Church-trial, when the peculiar circumstances of the case require it. The former preacher in charge becomes the

junior (or "helper") for the time being. But no preacher in charge can thus transfer his authority to another on his own responsibility.

7. The preacher in charge has no right to accept the resignation of a steward or trustee, and declare the place vacant. The Quarterly Conference, which confers the office, can alone accept of the resignation.

8. A local preacher, desiring to withdraw from the Church, should make his request to the Quarterly Conference. The preacher in charge can take no other action in the premises than to present the request; or, if the local preacher has left, without proper formality, the official duty of the pastor is discharged when he has reported the facts to the Quarterly Conference.

SEC. IV.—THE JUNIOR PREACHER.

1. Two or more traveling preachers may be sent to one circuit. Only one can be in charge. His name stands first, and to him pertains the responsibility of administering discipline, and of regulating the appointments and the work generally. The "junior" is under his direction. The name by which he was formerly called indicates his office—"helper." Though it is the duty of the preacher in charge "to receive

members, according to the provisions of the Discipline," it is clear, from the authority which may be granted to local preachers in similar cases, that the "helper" may, under the direction of the preacher in charge, "form new congregations," and "take a list of the names of all candidates for Church-membership," whom he may judge suitable, and if it is expedient, "receive them into the Church."

2. The junior preacher cannot, as such, preside in a Church-trial; he cannot preside in the Quarterly Conference, in the absence of his senior, unless, by appointment of the Presiding Elder, he is made preacher in charge.

SEC. V.—OF LOCAL PREACHERS.*

1. Local preachers are not subject to removal; they choose their own fields of labor, and remain in one place at their pleasure. Secular pursuits are not regarded as incompatible with that amount of ministerial service which is required of them. Thus, supporting themselves, they draw no stipend from the Church. They do not come under those obligations which rest on itinerant ministers, who are responsible to

* See under head of Quarterly Conferences, Chap. I., Sec. 3, for extended remarks on local preachers.

the Annual Conference. They are amenable to the Quarterly Conference for their Christian character and the faithful performance of their ministerial duties, and, with official laymen, make up the body of that judicatory. For convenient classification, and without reflecting on their office so far as they exercise it, they are reckoned with the laity, in distinction from that portion of the ministry which constitutes the pastorate. Hence, among the British Methodists, they are styled lay-preachers. Local preachers may be also class-leaders and stewards, and as such, have a place in the leaders' meeting.

Bishop Hedding remarks: "It is an erroneous notion that local preachers have nothing to do in executing the discipline of the Church. If it were so, it would be altogether improper to ordain them. It is true, they are not to preside in the trial of members, except when they are called to take the place of the traveling preachers; but this is the smallest and last act of administering discipline. The local preachers, as well as the juniors on circuits and stations, have an important part of this work to do. They should reprove offenders, reclaim wanderers, instruct ignorant persons, settle disputes between brethren, and reconcile contending parties; and thereby prevent apostasies, crimes, and expulsions; which, in the failure of their care and labor, might scandalize the Church, and ruin souls. And, in many instances, the local preachers

have a better opportunity than the traveling preachers of performing these parts of the work of discipline, as they are more of the time with the people, are better acquainted with them, and consequently know better when and where to apply the laws of the Church, and prevent scandal and mischief." (Discourse on Discipline, p. 41.)

2. A local preacher may be employed by the Presiding Elder as a *supply* on a vacant circuit, station, or mission, in the interval of the Annual Conference, and be invested with the full powers of preacher in charge, for the time being. Thus employed, he is entitled to the support of a traveling preacher. For this, there may be a recommendation from the Quarterly Conference. The recommendation may be in the usual form for admission into the itinerant ministry, or a simple recommendation as a supply.

"Out of the local preachers are chosen the traveling preachers; nor can they be received upon trial as traveling preachers till they have obtained a recommendation from the Quarterly Conferences of their respective circuits. The Bishops and the Presiding Elders have the authority to call them to travel, in the intervals of the Conference, when they have received the above recommendation; otherwise, the circuits would be frequently destitute. But their call to travel must afterward be confirmed by the yearly Conference." (Notes on Discipline, by Coke and Asbury.)

3. Local preachers "aid" the itinerant in supplying the people with the ministry of the word; and this is a "duty" laid down in the Discipline. They should regulate their labors in harmony with their pastor's, and according to a systematic plan drawn up by him. The unity of the work must be maintained. They are, in a sense, his "helpers;" yet, the preacher in charge cannot control the appointments of a local preacher unless they conflict with the plan of the circuit.

When in systematic coöperation with the pastor, local preachers may be authorized by him to do a work which is peculiarly his—not only "to form new congregations," but "to take a list of the names of all candidates for Church-membership," whom they judge to be proper persons; and even, if it be expedient under the circumstances, to "receive them into the Church." It would breed confusion, and worse, if this prerogative of receiving members should be used by local preachers not under the direction of the pastor, but operating independently of him. Therefore the Discipline requires, and makes it a condition of this authority from the pastor, that its results be promptly reported back to him, and placed under his care.

SEC. VI.—OF EXHORTERS.

1. Every exhorter, by virtue of his office, is a member of the Quarterly Conference. His

business is not to sermonize—not formally to announce a text and confine himself to the exposition of it. It is less formal. He may read a Scripture lesson, and make a practical application of its leading sentiments to the congregation, or he may speak without such a specific basis. The prayer-meeting is his chosen field. As it is one of the duties of the preacher who has charge of a circuit "to appoint prayer-meetings wherever he can," so, as early as 1779, it was made the duty of the exhorter to go by his directions. The exhorter is not subject to the stricter examination of the local preacher in theological or educational acquirements, nor is the vote for license taken by ballot. It is required, however, that before the Quarterly Conference can entertain his application, he be recommended by the Society where he holds his membership, or the leaders' meeting.

Several of the questions or tests directed to be applied in "trying those who profess to be moved by the Holy Ghost to preach," imply that they have first been exhorters, and in this tentative office have shown many of the gifts of a preacher, if they have not preached many things in their exhortation. "Have they gifts for the work?" it is asked. "Do they speak justly, readily, clearly? Have they fruit? Are any truly convinced of sin and converted to God by their preaching?"

This office is useful as an introduction into the min-

istry, and making available the talents of many who ought never to go beyond it. As early as 1780 it was a solemn Conference deliverance that "no one presume to speak in public" without a written license from the pastor, subject to renewal by him, after "examination with respect to life, qualification, and reception." In 1784, it was said, "Let none exhort in any of our Societies without a note of permission from the assistant. Let every exhorter take care to have this renewed yearly." A long time the original license was given by the pastor or the Presiding Elder, on his own judgment; but as the law required—from 1816—that "exhorters so authorized shall be subject to the annual examination of character in the Quarterly-meeting Conference, and have their license annually renewed by the Presiding Elder or the preacher having the charge, if approved by the Quarterly-meeting Conference," the Quarterly Conference now grants that license in the first place, which depends on its renewal afterward. Those who are not called to expound God's holy word, but may be useful in this mode of spiritual excitation, should heed the admonition of the apostle: Let him that exhorteth wait on his exhortation. (Rom. xii. 8.)

SEC. VII.—OF CLASS-LEADERS.

1. A minister is bound *to take heed to all the flock over the which the Holy Ghost hath made him an overseer.* When practicable, he should have personal knowledge of them all, and especially of the state of their souls in religious expe-

rience, and of their life and conversation before the Church and the world. If, by reason of the extent of his charge, or the number of souls under his pastoral care, this cannot be done in person, it should be done by proxy. For this object, mainly, class-leaders are provided.

"If," says Bishop Hedding, "the leaders cannot, or will not, do their duty, let them be changed for others who will be more faithful; and then, if it be necessary, appoint other agents to assist the leaders, so as to be sure and have a report from all the members. Sometimes when females are to be searched out, visited, comforted, exhorted, or reproved, it may be very proper and useful to appoint judicious and pious persons of their own sex to perform that service; and thus the sisters may follow the example of those in the apostolic Church who 'labored with' St. Paul 'in the gospel.'"

2. The leaders' meeting has no functions assigned it which require it to be held, in all our circuits and stations, weekly or monthly; but when held according to the direction of Discipline, it is eminently adapted to promote the interests of the Church. It is composed of the pastor, and the leaders and stewards, and is empowered to recommend suitable persons for license as exhorters or local preachers.

3. The Discipline does not recognize the office of *assistant* class-leader. Though a member may be requested to assist a leader in the dis-

charge of his duties, this does not entitle him to a seat in the leaders' meeting, or in the Quarterly Conference.

4. The class-leader, in the absence of the pastor, may not furnish any member about to remove with the usual certificate of membership.*

5. Class-leaders, as such, are responsible only to the preacher in charge, who may change or remove them at pleasure.

SEC. VIII.—SUNDAY-SCHOOL SUPERINTENDENTS.

1. The Sunday-school is the catechetical institute of the Church, and must be kept under its fostering care and control. It is made the "special duty" of pastors to see that Sunday-schools be formed in all our congregations where ten children can be collected for that purpose, and "to engage the coöperation of as many of our members as they can." It is also required of him who has charge of a circuit or station, to lay before the Quarterly Conference, at each meeting, to be entered on its journal, a written statement of the number and condition of the Sunday-schools within its bounds; and he is called upon for a detailed report of the

* Journal Gen. Conf., 1854, p. 331.

same at the Annual Conference. "Each Quarterly Conference shall be deemed a board of managers, having supervision of all the Sunday-schools and Sunday-school societies within its limits."

2. The Superintendent, if a member of our Church, is, by virtue of his office, admitted a member of the Quarterly Conference. He may have one or more assistants; but the Discipline does not know them, as members of the Quarterly Conference. No specific rule has been laid down for the election of this Church officer, but analogy and the reason of things indicate that the election should be under the control of the pastor and the Quarterly Conference.

SEC. IX.—SECRETARY OF CHURCH-MEETING.

1. This officer is annually elected by the Church-meeting, and is charged with keeping its records. In order to accurate statistical reports, it is made his duty to return to the Quarterly Conference—of which he is *ex officio* a member—all the statistics which the Discipline requires to be reported to the Annual Conference.

SEC. X.—OF STEWARDS.

1. Stewards serve three tables—the table of

the Lord, the table of the minister, and the table of the poor.

(*a*) They provide the elements for the Lord's-supper.

(*b*) They make the estimates for the support and expenses of the ministry, and take measures, by private and public collections, for paying the same.

(*c*) They inquire into the cases of the needy and distressed, and out of a Church-fund raised for that purpose, relieve them.

2. As class-leaders have, incidentally, a *financial* function, so stewards have a *spiritual* one. It is their duty to inform the pastor of any who walk disorderly, and "to tell the preachers what they think wrong in them."

3. The circuit stewards must estimate the salary and traveling expenses of the preachers, and apportion the amount among the several congregations composing the circuit. The District stewards must estimate the salary and traveling expenses of the Presiding Elder, and apportion the amount among the different circuits of his District. For this purpose, these two boards should meet early in the year. Informal agreements for allowances and apportionments between ministers and congregations are irregular, unauthorized, and mischievous in tendency.

4. The apportionments made by the District stewards among the circuits, and by the circuit

stewards among the congregations, are not the less obligatory because no representative of the congregation or circuit was present at the meeting when the apportionment was made. They had a right to be there, and should have seen to it.

5. The *District* steward* should be elected annually from each board of the circuit or station. It is his duty to attend the District stewards' meeting, when called by the Presiding Elder, and represent his own board therein, and report.

6. The *Recording* steward† is not *ex officio* the secretary of the Quarterly Conference. He is the custodian of its papers and records, and should copy into a book the minutes of the Quarterly Conference when they have been approved. It is also his duty to report to the Joint Board of Finance of the Annual Conference, an account of the acts of his board of stewards for the preceding year.

7. Stewards are responsible to the Quarterly Conference, which may remove them at any time. It is now necessary that they be annually elected.

A careless or inefficient steward may, without posi-

* The office of District Steward was created in 1816.

† The office of Recording Steward was created in 1820.

tive opposition, starve out the ministry, in the midst of plenty and a willing people; for no other member feels at liberty to act in his place, without appointment. He stands between the pastor and his support. He is the commissary of the Church militant, and by his non-action can contribute more to defeat than all the strategy of the enemy. On the contrary, where energetic and liberal stewards are employed, the Church partakes of their spirit, the congregation devises liberal things, poverty vies with wealth, and comparatively small and feeble societies amply sustain the institutions of the Church.

SEC. XI.—OF TRUSTEES.

1. All our Church-property, such as preaching-houses, parsonages, and cemeteries, held according to Discipline, is vested in a board of trustees, who hold it for the benefit of the members of the Church. "The property of the preaching-houses," say Coke and Asbury in their Notes on Discipline, "is vested in the trustees; and the right of nomination to the pulpits in the General Conference, and in such as the General Conference shall, from time to time, appoint." They explain that this division of power between the local trustees and the General Conference, whereby the latter become the patrons of the pulpits of our Churches, is essential to the itinerant plan: "Without it, the itin-

erant plan could not exist for any long continuance." The trustees, not actuated by connectional views, and failing to get a favorite preacher, might refuse to open the doors to one regularly sent "to preach and expound God's holy word therein;" and they might procure a form of the gospel, or settle a minister over the people, not only contrary to our polity, but also to our doctrinal standards. Thus would follow schism, heresies, and the alienation of consecrated property from its original purposes.

"In case of a division purely local, in one of the Societies for whose use the local property is conveyed and held, the proprietary right is in that party which maintains the true position of subordination and connection which, according to the rules and Discipline of the Church, properly belongs to the entire Society." (7 B. Munroe, p. 496.)

2. As the deed of settlement secures the use of the houses to such ministers and preachers as the General Conference may authorize, if the trustees should refuse to open the doors to them, the court would issue a peremptory *mandamus* to admit those who had been duly appointed.

It is no valid excuse for the trustees to say that a majority of the members of the Church sustain them in the act: "They are not chosen to represent that majority," says the Civil Court, "but rather to execute the trust of carrying out the intention of those from

whose benevolence flow the temporalities put in their charge. If such an excuse will ever be available, where will it stop? What shall set bounds to its encroachments? And how long will it be before the church, the parsonage, and the school-house, which owe their very existence to the desire of spreading evangelical piety, will be desecrated by the orgies of the heathen in his blindness, or the subtleties of the infidel in his madness? They, from whose benevolence has arisen some pious foundation or some noble charity, may have passed from the stage of life, leaving behind them some such monument of their love to God and man, in the confident expectation that the trust they have confided to posterity will be faithfully executed. Upon what principle can it be justified that they who now live to enjoy the fruits of the charity of the dead, should be permitted, at their caprice, to control, and perhaps divert from its original purpose, the endowment which owes none of its support to them? No such principle is known in law or morals." (2 Barbour, pp. 414, 415.)

3. Trustees can legally protect the Church-property against all lawless violence and injury, even if the Society has never been legally incorporated; and may maintain an action against the trespasser for the injury which is done.

4. The board of trustees is amenable to the Quarterly Conference, which has power to remove them at any time. They need not be reëlected annually. The Quarterly Conference must see

that all vacancies are duly filled, and that the corporation performs its trust faithfully, and does not transcend its powers.

5. The powers of trustees over a house of worship, deeded to the Church according to Discipline, are limited. They have no right, by virtue of their office, to grant the use of such houses for schools, for court-houses, for political assemblies, and such like. The trust vested in them is for a specific purpose. This requires that they shall defend the title, and keep the property in a suitable condition for the public worship of God. They have no right to permit such houses to be used for other than the purposes specified in the trust.*

GENERAL REMARKS ON CHURCH OFFICERS.

While the acts of a superior Church officer would be regular and valid in the place of one of another grade, the harmony and safety of juridical proceedings must not thereby be jeopardized; as for instance, where the same officer becomes liable to preside twice over the adjudication of a case—first, in the court of original proceedings; and secondly, in the appellate court. Generally, it is best that every one attend to his own work.

Bishop McKendree, in addition to the above, in a circular of instructions "to the preachers and brethren whose duty it may be to execute the discipline of the

* College of Bishops, 1868.

Church," announced the following "as important principles, closely connected with the administration of discipline, and which should never be forgotten":

"A Bishop or Superintendent having the general oversight of the spiritual and temporal concerns of the Church, is of course authorized to attend to any and all matters, small and great, in the execution of discipline.

"A *Presiding Elder*, who is in fact the agent of the Bishop, is, in virtue of his appointment, authorized to exercise Episcopal authority within the limits of his District, (ordination excepted;) consequently, it is his business, when present, fully to attend to every part of the execution of discipline.

"The *assistant preacher* [now called the *preacher in charge*] is indeed the Presiding Elder's aid, and has the more particular oversight and care of the circuit or station to which he is appointed.

"The *helper* [now called the junior preacher] is one placed on a circuit or station with the assistant [preacher in charge,] and is under his direction in any thing he may do in the execution of discipline.

"The *class-leader* is restricted to his own class; and if active and zealous, may do much for God and souls, in keeping up order and discipline therein." (Vol. II., pp. 61, 181–184.)

This order and amenability among Church officers involves the power of removal. Being *ministerial* rather than *judicial*, the removal is summary and without trial. The class-leader becoming unpopular or inefficient, the pastor changes or removes him. The pastor, having rendered himself unacceptable where

he is, or exigent need being developed for his services elsewhere, is changed by the Presiding Elder to another circuit within his District; or he is removed from being preacher in charge, and made the junior. The Presiding Elder, on account of doctrinal unsoundness, or physical infirmity, or social disability, or other cause, is removed by the Bishop from the oversight of the District, and another put in his place; and all this, even in the midst of the ecclesiastical year. The Bishop is accountable to the General Conference, before which he may be impeached for executive or moral improprieties; and be reproved, suspended, deposed, or expelled. It was well said in the General Conference Debates of 1844: "We believe there are good and sufficient reasons for granting this high power of removal to those who exercise it. It promotes religion; it binds the Church in a strong and almost indissoluble unity; it quickens the communication of healing influences to the infected and the enfeebled parts of the body ecclesiastical. In a word, it is a system of surpassing energy. By it executive power is sent in its most efficient form, and without loss of time, from its highest sources, or remotest fountains, through the preachers and class-leaders, to the humblest member of the Church."

CHAPTER III.

CHURCH-MEMBERSHIP.

SEC. I.—RECEIVING MEMBERS.

1. It is the duty of the pastor to receive members. The right of preaching the gospel is the primary one in the ministry; closely connected with this is that of administering the sacraments. The command to go and disciple all nations, implies bringing the converts into the Church. When a missionary goes forth and makes converts under this commission, where there is no Church—not even a single member—how are they to be received into the Church, unless by him who was instrumental in their conversion? They cannot admit themselves, and unless he does it, it cannot be done at all. The sacrament of baptism, the door of entrance into the visible Church, is administered by him; and Christ has set his ministry to keep that door, opening it to the worthy, and closing it against the impenitent.*

* Analysis of Church Government, p. 47.

2. Though membership in the Church should never depend upon the result of a vote, the laity may be brought into advisory coöperation in admitting suitable persons; and a prudent minister will avail himself of their judgment and counsel, where he has them at hand. The pastor is not simply the agent or executive of the Church committed to his care; but while he may not be compelled, against his own convictions, to baptize a man, Christian expediency suggests a liberal course of proceeding in this matter, and the general practice is in accordance with it. It has seldom been known in this Church that an application for membership has been disposed of in a manner contrary to the judgment of the Society or the leaders' meeting.

"Glory be to God, *all* our Societies throughout the world have been raised, under grace, by our ministers and preachers! . . . We would sooner go again into the highways and hedges and form new societies, as at first, than we would give up a privilege so essential to the ministerial office and to the revival of the work of God." "Besides, the command of our Lord, (Matt. xxviii. 19,) 'Go ye and teach all nations, *baptizing* them,' etc., is addressed to pastors only, to his disciples, and through them to all his ministering servants, to the end of the world. But if ministers are to be the judges of the proper subjects of baptism, which is the grand initiatory ordinance into the visible Church, how

much more should they have a right to determine whom they will take under their own care, or whom God has given them out of the world by the preaching of the word. Thus it is evident that both Scripture and reason do, in the clearest manner, make the privilege or power now under consideration, essential to the gospel ministry." (Coke and Asbury, Notes on Discipline, pp. 75, 76.)

3. "When persons offer themselves for Church-membership," the law does not require that the preacher in charge immediately "receive them into the Church." Often this would be highly inexpedient. They are candidates for membership while inquiry is made into their spiritual condition, their acquaintance with, and willingness to keep, the rules of the Church, and also into the genuineness of their faith. "Six months on trial," as a prerequisite of membership, and the return in the annual statistics of a certain class as "probationers," were abolished by the General Conference in 1866; but this does not dispense with the observance of those precautions necessary to "prevent improper persons from insinuating themselves into the Church." No one can demand to be brought at once, upon application, "before the congregation," and formally invested with all the privileges of Church-membership — though there might be

occasions when the preacher in charge could safely and properly do this.

Generally it will be found to work well for the preacher in charge to receive candidates for Church-membership frequently, reserving their formal reception to special seasons—as quarterly-meetings, Church-meetings, love-feasts, or set days of celebrating the Communion. In the meantime, all diligence should be used in the examination, instruction, and preparation of the candidates for the vows and relations they are to assume. During the candidacy for membership, be it longer or shorter, opportunity is given for making known objections and impediments. There is a right of challenge in the very act of bringing a candidate before the congregation in order to his reception; and any member who has not had previous opportunity, if he knows impediment to his admission, ought then to declare it. This, however, would not throw the matter into a public debate, or imply a settlement by a majority vote. When impediment is alleged, the reception should be postponed, and such measures be adopted as will secure the peace and purity of the Church.

SEC. II.—REMOVALS—CERTIFICATES.

1. Every member in good standing, removing to another station or circuit, is entitled to a certificate from the pastor, by which his membership may be removed also. If the pastor withhold the certificate on the ground of complaints

or charges against the member, he must proceed to an investigation of the case, according to rule. If the member is willing and ready to be tried, the preacher is guilty of maladministration unless he proceeds with the trial.

In 1860 a member applied to his pastor for a "certificate." It did not appear that he intended to remove his membership to another circuit or station, and he declined to say what use he intended to make of the certificate. Whereupon the pastor declined to give it. The Presiding Elder overruled the pastor's decision. The case coming before the Bishop presiding over the Conference, he sustained the pastor.

2. The preacher in charge must furnish the certificate. The class-leader is not authorized to do it, even in the pastor's absence.

3. It is not optional with a preacher in charge of one society within this Church, whether he will receive the certificate of a member residing within his limits, duly drawn up and signed by the pastor of another society. The Church is one, and the certificate must be honored wherever presented. If it is known that the person presenting the certificate has been guilty of immorality or crime, it would be no bar. The certificate should be received, and the person be, in due form, put upon his trial.

4. The Discipline does not define any time

beyond which a certificate becomes null and void. The preacher in charge may receive a member on such certificate at any time, and hold him responsible, when he is received, for any thing he may have done while he retained the certificate. (Morris.)

5. The pastor may not erase or strike off the names of any who have removed without certificate, unless the Church Conference authorize; but should record the fact that the person removed without certificate.

6. The preacher in charge should not give a "certificate" to any member unless said member wishes to use it in transferring his membership from one circuit or station to another in this Church. But he may, as a matter of courtesy, give a statement of standing and character to a member who formally withdraws, in order to unite with another evangelical denomination.

7. When a member receives a certificate, he is responsible for his conduct, from the date of it, to the society receiving him upon that certificate. While he holds it in his own possession, he cannot be brought to trial upon any charge or complaint; neither can he act as a trustee of Church-property, or claim any privileges of So-

ciety. In certain circumstances the cause of religion may require that the position of such a person be published to the world.

SEC. III.—WITHDRAWAL.

1. "The right of ecclesiastical expatriation from any one branch of the Christian Church to any other which may be preferred, we have never denied; nor can we keep, nor are we desirous to keep, any man subject to our authority one moment longer than it is his own pleasure." (Gen. Conf., 1828.)

2. If a member, who has discharged his obligations, wishes to withdraw, the Church cannot prevent it or favor it, but may consent to it. The act is his own, and the responsibility must rest upon him. The Church may labor to show him his error; but if he persists in his determination, must acquiesce. He is entered as *withdrawn*, on the Church-register. He is no more subject to its discipline. The entry is a history of the manner of the dissolution of the Church-covenant. It shows that it was on his own motion, and not by or under ecclesiastical censure or necessity.

3. None can withdraw unless in some way the Church has had opportunity to recognize

the withdrawal. A covenant cannot be dissolved until both the parties to it are duly notified. The admission of the right to withdraw at option, without notice to the Church, would operate most injuriously to the maintenance of wholesome discipline and sound morals.

4. If a member renounces the communion of this Church, by joining another denomination without respectful notice to the pastor or Church authorities, the irregularity should be recorded, and the name erased without farther notice. But if charges are pending against him, they may be prosecuted. And if the authorities of the Church should proceed and expel a member who had violated his covenant and declared himself beyond the pale of the Church, they would be protected by the civil law, provided their process was in accordance with the rules of the Church. The Church must decide when its purity and influence demand the expulsion of disorderly members from its communion.

5. A member who absents himself from the congregation, neglects to attend to his duties, etc., does not thereby *withdraw*. He is still amenable to the laws of the Church, and its discipline should be exercised for his moral recovery.

SEC. IV.—RESTORATION.

1. When a person has been expelled, or otherwise has lost his membership, and wishes to return to the communion of this Church, it is not proper that he should be received with the formalities required in the case of those who apply for reception by baptism or by profession.

2. In the case of an excommunicated person, satisfactory evidence of repentance must be given; and the pastor must report to the Church his restoration, and the grounds thereof. The pastor should act with great caution in such cases, taking counsel with the leaders' meeting whenever practicable, that the peace and purity of the Church may be preserved.

3. If at any time after the expulsion of a member, the Quarterly Conference shall become convinced that he was innocent of the offense for which he was expelled, he may be restored by a statement of the case, and an announcement of the fact to the Church.

4. No person expelled from one society in this Church, can be received into another, without giving satisfaction to the society from which he was expelled.

CHAPTER IV.

ADMINISTRATION OF DISCIPLINE.

SEC. I.—JUDICIAL PROCEEDINGS.

1. The objects of discipline, in the sense of judicial prosecution, are the following, to wit: to rebuke offenders, to remove scandals, and vindicate the character of the Church; to clear the innocent, to reclaim the erring, to promote purity and peace in the membership, and the spiritual welfare of the offenders themselves. When properly administered, it frequently proves an effectual means of grace.

"The Church's arms were spiritual, consisting of admonitions, excommunications, suspensions, and such like, by the wielding of which she governed her members and preserved her own peace and purity. Now this is that which is called Discipline, which is absolutely necessary to the unity, peace, and being of the Church; for where there is no law, government, or order, that Society cannot possibly subsist, but must sink into its own ruins and confusion." (Lord King's Primitive Church, p. 106.)

2. So far as judicial proceedings are concerned, the Church is divided into four classes: private members, local preachers, traveling preachers, and Bishops; and distinct tribunals and different degrees of responsibility are established for each.

3. The prosecutor is always the Church whose laws have been violated, whose purity is to be maintained, and whose duty toward delinquents is to be discharged. The person conducting the prosecution represents the Church, and in that capacity has all its rights in the case. He, as the Church Advocate, is to be considered the party on one side, and the accused the party on the other.

"No person," says Bishop McKendree, "ought to be permitted to come forward in the character of a prosecutor. Such a character is not known of in all our economy. The *accuser* is to be brought face to face with the accused. If this cannot be done, 'let the *next best evidence* be procured;' consequently, the accuser is the very best evidence in the case. An aggrieved person may be a *complainant*, but our Discipline does not recognize any one as an accuser unless he be a witness in the case against the accused."

4. It is a constitutional principle that no member can be deprived of membership without a trial before the Church or by a committee, with privilege of appeal. It is not in the

power of the Quarterly, or Annual, or General Conference to do away with these privileges.*

Mr. Wesley, and the preachers of his day, believing that the New Testament makes the pastors responsible to Christ for the purity of the flock, judged accordingly that it was their right and duty to decide on the guilt or innocence of an accused member; and that the act of retaining or rejecting such members being one for which the minister must answer to the Head of the Church, the decision of that question ought not to be left to laymen, as they are not held amenable to the Judge of all for it. And they acted on that principle. So does the Wesleyan Connection to this day. Our fathers coming from England to this country, brought with them the same opinion, and administered accordingly; hence, up to the commencement of the present century, the preacher in charge was the sole judge of the guilt or innocence of all the members. And if the opinion can be maintained by the Scriptures, beyond a doubt, the practice should consequently follow. But if that be considered one of the questions in Church-government not clearly settled by the word of God, but left as a question of expediency, to be decided by the Church, then different religious Communities may decide differently, and may act on either principle and be harmless. Our Church seems to have embraced the last-named opinion, when she adopted the present rule. (Hedding on Discipline, pp. 59, 60.)

5. The power of excommunication, as inhering in the ministry by the original charter, has

* Fifth Restrictive Rule of Discipline.

been contended for on the ground that the power to do implies the power to undo; the right to admit into the Church implies the right to expel. But the two powers are not coincident, and do not rest on the same ground. The reception of members has often to be performed where there is no membership which can be called into coöperation; but excommunication can take place only where there is a Church and membership already existing, who may cooperate with the minister in the delicate work of depriving one of privileges with which he had been invested. Paul moved the Corinthian Church to put away an infamous offender. And in the case of a personal offense, Christ commanded, in the last resort, "*Tell it unto the Church.*"

The practice of the Primitive Church for the first three centuries, as set forth in the researches of Lord Chancellor King, was according to this rule: "As for the judges that composed the ecclesiastical court, before whom offending criminals were convened, and by whom censured, they will appear to have been the whole Church, both clergy and laity." (Primitive Church, p. 109.)

6. No minister or private member against whom charges of crime or gross immorality are pending, or who has confessed them, can claim the right to evade trial or quash an indictment

by withdrawing from the Church. The unsound member that cannot be cured, must be cut off, and not allowed to rot off. The expulsive power is one proof of the vitality of the ecclesiastical body. As in the preaching of the word the wicked are doctrinally separated from the good, so by discipline the Church authoritatively separates between the holy and the profane. Having endured the scandal of their lives, the only vindication of the Church that is sometimes left, is this last and strongest testimony against evil-doers, by a judicial sentence of excommunication.*

7. The constitution of a Church-court, to determine the guilt or innocence of accused members, does not divest the pastor of great and peculiar responsibilities. With him remain those preliminary measures so effective in checking evil and in guiding the course of Discipline. He is charged with the duty of universal oversight—of taking heed to all the flock. Process begins and issues under his authority. He constitutes committees, issues citations, presides in trials, determines questions of law arising therein, and pronounces censure upon those whom the court has pronounced guilty.

*Ref. Journal Gen. Conf., 1866, p. 95.

The obligation of pastors to institute a course of investigation and trial when necessary, without waiting to be urged by a complainant, is thus set forth by Bishop McKendree:

"The preacher who has the oversight of a District, circuit, or station, is equally bound, as a Christian with other Christians, to deal with erring members of his acquaintance; and as an officer whose duty it is to see that the Discipline is enforced, he is under much stronger obligations to do so. Therefore, to wait for an accuser to present a formal charge, before he will act on a case of which he has knowledge, or is sufficiently informed, is of ruinous tendency. Surely, other Christians have as much right to connive at the conduct of disorderly members as the spiritual overseer has! So far, therefore, as such conduct is followed, disorderly members lose the benefit of Christian counsel, correction, and reproof, and discipline will soon become a useless thing."

8. The privileges of trial and appeal are guaranteed to our ministers and preachers. When it is enumerated among the duties of a Bishop "to suspend preachers in the intervals of the Conferences as necessity may require;" and when, in his absence, the same is made the duty of the Presiding Elder, it is added—"as the Discipline directs." This censure must be dealt, if at all, according to process made and provided.

9. No professional counsel, as such, should be

allowed to appear and plead in any Church-court. An accused person may be assisted or represented before the Society or a committee by another member, or before the Quarterly or Annual Conference by any member of said Conference. A member of a Church-court, after pleading in a case, should not be allowed to sit in judgment on it.

10. The right of religious societies to inquire into the conduct of their members, to pass votes of expulsion, and to record their proceedings against those who violate their covenant relations, has been fully recognized by the civil tribunal; nor will courts of justice inquire whether the conduct of the aggrieved member merited such discipline, provided that the proceedings of the Church were according to the established usages of the denomination, and done in good faith, without malice. And even if the case has been submitted to a jury, on the trial of the indictment against the accused, and the evidence considered insufficient, by them, to convict him of the crime in question, it operates as no bar to the investigation of the case *de novo*, by the religious society, according to its established regulations.*

* Ref. 3 Johnson, pp. 178–183.

As to civil courts interfering with ecclesiastical procedure which is in accordance with the Constitution of the religious body, all jurists concur with Lord Justice Clerk Hope, who said, in the case of Sturrock *vs.* Gregg, in 1849:

"In matters clearly within the cognizance of Church-officers or courts, as subjects of Church-censure, when the Church-judicatory is thus exercising the government so intrusted to it, its judicatories and ministers are not amenable to the civil courts of the country in damages for alleged wrong. They have been trusted as a separate government. The declaration of the authority under which they act, (viz., the appointment of the Lord Christ,) assumes that it must be separately administered—free from subjection to civil courts."

Lord Medwyn said, in the same case: "In every country in Christendom there are Church-courts as well as civil courts; while the jurisdiction of the latter embraces all acts done by one member of the State to another, and to redress all wrongs done and suffered in that character; within the cognizance of Church-courts are all matters of Church-discipline, founded on the conduct of the members, leading to many delicate inquiries into character, and which it is the duty of the office-bearers to inquire into *according to forms prescribed.* In discharge of this important duty, and while acting in their ecclesiastical character, the civil court can have no right to interfere with them."

In disputes about Church-property, the civil court must sometimes enter into questions of doctrine and discipline; not as true or false, but as facts identifying rightful claimants.

SEC. II.—ACTIONABLE OFFENSES.

1. Offenses are distinguished as personal and general.

(*a*) Personal offenses are those committed by one member against another, which may be accommodated privately, without disturbing the fellowship, or compromising the character, of the Church: as injuries—real or supposed—done to person or property, character or feelings.

(*b*) General offenses are heresies, irregularities, immoralities—whether private or public—which may have been committed against no one in particular, but are of concern to all who are jealous for the honor of Christ, as injurious to his cause, reproachful to his gospel, a scandal and stumbling-block.

2. There is a course which *personal* offenses may run, and thus become *general.* Every such offense becomes general when it claims the attention of the Church as a body, and comes before it for adjudication. When a member has thus referred a private difficulty which he has failed to settle, and the Church has taken cognizance, the matter is no longer in his hands, and the sentence is equally binding upon *both* parties. The accused may be acquitted of wrong; or he may make such confession and reparation as is required by the Church, thus "hearing the Church."

3. Personal offenses cannot become subjects of Church-discipline till the directions given by Christ for settlement and reconciliation are complied with: "Moreover, if thy brother shall trespass against thee, go and tell him his fault between thee and him alone: if he shall hear thee, thou hast gained thy brother. But if he will not hear thee, then take with thee one or two more, that in the mouth of two or three witnesses every word may be established. And if he shall neglect to hear them, tell it unto the Church." (Matt. xviii. 15–17.) Investigating committees should be satisfied that those who publish grievances and urge them to ecclesiastical adjudication, have first tried these divinely-prescribed preliminary measures; if they have not, the complainants themselves are offenders.

4. It does not destroy the actionable nature of an offense that the predecessor of the administrator, though acquainted with the facts, took no legal notice of them. The indictable character of an act depends upon the fact whether it is a violation of the moral law and Church-covenant, and not upon whether the previous administrator has done his duty.

5. Any crime committed within the time in which the accused has been a member of the

Church, is indictable; but it cannot extend to any period beyond membership. Charges of immorality against preachers should not be restricted to the time in which they have been in the ministry, but may extend to any time including their Church-membership.

6. Offenses that are proper objects of judicial process, may be divided into four classes, according to the nature of process provided.

I.—Improprieties and Imprudences.

(1) This class may be presented under two divisions:

(*a*) Indulging improper tempers, words, or actions. (This relates to ministers.)*

(*b*) Neglect of duties of any kind, imprudent conduct, indulging sinful tempers or words, or disobedience to the order and discipline of the Church. (This relates to members.)†

(2) This class of offenses, whether in ministers —local or traveling—or in private members, does not come to trial by the first act. It is charitably hoped that these improprieties, im-

* Indulging improper tempers, words, or actions, he shall be reprehended by his senior in office. Should a second transgression take place, etc. (Discipline.)

† But in case of neglect of duties of any kind, imprudent conduct, indulging sinful tempers or words, or disobedience to the order and discipline of the Church: First, let private reproof, etc. (Discipline.)

prudences, and neglects are the exceptions, and not the rule, of conduct; that they spring from ignorance, inadvertence, or other infirmity, and are not the indications of fixed character; and that they will yield to godly advice, warning, and entreaty. If there is confession of the fault, and amendment, the end of discipline is gained.

(3) Should a second transgression take place, the Church officially repeats the warning and exhortation, but this time with increased force and formality. The two or three faithful witnesses are calculated, by their united representations, to carry home conviction of his fault to the offender, and by their joint influence to dissuade him from his course. This is their office and effect, as well as to bear testimony to his temper and behavior, should he finally reach the bar of the Church-judicatory. It should be borne in mind that these preliminary measures are not in order to make sure work of the trial when it comes—to make the indictment stick—but, if it be possible, to prevent a trial. And often, at this stage of Church-labor, forbearance is repaid by the reclamation of the offender.

This reprehension of an offender, and waiting on him once, and twice, with an increased deputation, before instituting a formal trial, is not to be confounded

with the preliminary measures in Matt. xviii. 15–17, though there are points of similarity in form and influence. *This* is official, *that* is personal. This is discipline passing through its several stages, that is before discipline has begun.

(4) "On a third offense," as the Discipline has it, in case of a private member, or "if he be not then cured," in the case of a minister, there is a painful presumption of pride that will not be reproved, and of contumacy or incorrigible depravity that disregards covenants and government. The offense must be abated or the scandal removed. A formal arraignment and trial must ensue. Even there, though convicted, if the offender shows a proper penitence and humiliation, he may be borne with, and saved from the expulsion to which he is liable. Forgiveness may be exercised, and a repentant brother retained in the Church. "But if he repent not, he hath no more place among us. We have delivered our own souls."

It is to be observed that ministers have their trial for *this* class of offenses before the tribunal having original jurisdiction. They cannot, as in some other cases, be called before an investigating committee and suspended, in the interval of Conference. And farther, in this case of arraigning the party for trial, no presentment of a committee of investigation is necessary as where crime is charged.

(5) Inasmuch as trying and expelling members are the last acts in the administration of discipline, to be resorted to only when all other gospel measures fail, all possible Scripture means ought first to be employed to bring the offender to repentance and reformation. Hence, the pastor should remember the covenants in which he promised before God and his Church "to take heed to all the flock over the which the Holy Ghost hath made him overseer," "to use both public and private monitions and exhortations, as well to the sick as to the whole, within his charge, as need shall require, and occasion shall be given." (Hedding.)

II.—Heresies and Dissensions.

(1) This class may come under two heads:

(*a*) Holding and disseminating, publicly or privately, doctrines which are contrary to our Articles of Religion and our present existing and established standards of doctrine. (This relates to ministers.)*

(*b*) Sowing dissension in any of our Societies, by inveighing against either our doctrines or discipline. (This relates to ministers and members.)†

*Under report of holding and disseminating, publicly or privately, doctrines which are contrary to our Articles of Religion, let the same process be observed as in case of gross immorality; but if the minister or preacher so offending do solemnly engage not to disseminate, etc. (Discipline.)

†If a member of our Church shall be clearly convicted of

(2) No one can be licensed as a local preacher, or recommended for admission on trial as a traveling preacher, or for ordination, without first being examined on the subject of doctrine and discipline. In the subsequent stages of advancement in ministerial orders, in his reception into full connection, and before the committees on the course of study appointed for undergraduates, the subscription to the doctrines and discipline of this Church is, in various forms, repeated. The Church has a right, therefore, as well as a high interest, to hold her ministers to account for "all erroneous and strange doctrines contrary to God's word," as interpreted by her standards.

It will be allowed by all who love the truth as it is in Jesus, that the heretical doctrines are as dangerous, at least to the hearers, as the immoral life of a preacher; and therefore, the same process is provided for both cases. Those must indeed be blind who can sit for any time under the ministry of an Arian, Socinian, Universalian, or any other heretical minister. And if the blind lead the blind, etc. . . . As we would guard against a hasty and arbitrary measure, in a matter which sometimes, perhaps, it may be difficult to determine, the case shall lie over to the yearly Conference,

endeavoring to sow dissension in any of our Societies, by inveighing against either our doctrines or discipline, such person so offending shall be first reproved by the senior minister or preacher of his circuit; and if he persist, etc. (Discipline.)

if the preacher be perfectly silent, in public and private, on the subjects objected to. But if he will go on to dishonor Christ, or to oppose the doctrines of holiness, or to introduce novel sentiments, or "vain jangling," an immediate stop must be put to such dangerous, such pernicious, proceedings. (Coke and Asbury, Notes on Discipline.)

The statute in this case has been changed in some words, but is substantially as it was first in 1789.

(3) In the matter of heresy and doctrinal errors, it ought to be considered charitably, whether they strike at the vitals of religion or not; whether they are silently held, or industriously and pertinaciously spread; or whether they arise from the weakness of the human understanding, and are not likely to do much injury.

The minister or preacher committing this offense is liable to be called before a committee, in the interval of the Conference, as in case of immorality, and *suspended;* but if upon being convicted by the committee, and admonished, he engages not to disseminate, publicly or privately, these erroneous doctrines, no farther action need be taken in his case, till it can be laid before the body to which he is originally amenable. Or if, when the offender has been summoned before a committee, he satisfies them that he will be silent on those points, he may be borne with till Conference shall determine his case.

(4) The Church, in the case of all its mem-

bers, has a duty and a right to protect its peace and integrity against those within its pale who endeavor to sow dissension by inveighing against its moral discipline, and to cut off those who persist in troubling it. Those who have entered its communion did so voluntarily, after giving satisfactory assurances of the genuineness of their faith, and their willingness to keep the rules of the Church.

This rule [which has been in the Discipline since 1792] was not meant to suppress free inquiry; it is aimed against licentiousness, and not against liberty. Our ministers and members, of every class, are entitled to the full liberty of speech and of the press, equally with any other citizens, subject to the restrictions and responsibilities imposed by the laws of the land, by the obligations of Christianity, and by the regulations under which we are voluntarily associated in the Church. This rule is designed to guard the peace and union of the Church against any mischievous false brethren who might be disposed to avail themselves of their place in the bosom of the Church to sow dissensions, by inveighing against our doctrines or discipline in the sense of unchristian railing or violence. Any other construction of it we have never sanctioned. (Gen. Conf., 1828.)

Analogy shows that this case, like the other of the same grade, is to be proceeded with as an immorality: that after being "clearly convicted," the offender is entitled to official reproof and admonition; and if he will

cease from his pernicious practice, he is to be borne with; if he will not engage to do so, he must be expelled.

III.—A Breach of Ministerial Vows.

(1) Every gospel minister—local and traveling—is ordained to do a certain work, and comes under covenant engagements and vows accordingly. He may prove so inefficient in this work, and so unfaithful to these vows, as to incur judicial process, whereby he may be put out of the Conference and still left in the ministry, or put out of the ministry and still left in the Church. This class of offenses comes under three heads:

(*a*) A traveling elder or deacon refusing to attend to the work assigned him, unless in case of sickness or other unavoidable cause, or ceasing to travel without the consent of the Annual Conference.*

(*b*) Unacceptableness, inefficiency, or secularity, so as to be no longer useful in the itinerant work.†

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*No deacon or elder who ceases to travel without the consent of the Annual Conference, certified under the hand of the President of the Conference, except in case of sickness, debility, or other unavoidable circumstances, shall, on any account, exercise the peculiar functions of his office, or even be allowed to preach among us; nevertheless, etc. (Discipline.)

†When a traveling preacher is under report of being so unacceptable, inefficient, or secular, as to be no longer useful in his work, the Conference to which he belongs shall investigate the case; and if, etc. (Discipline.)

(1) A deficiency in gifts, labors, or usefulness of a local preacher, such as to render him no longer a proper person to be retained in the ministry.*

(2) Trials or investigations of this class are more or less formal, and a conviction may draw after it various degrees of censure. Ministerial, rather than Christian, character; official, rather than personal, relations are, for the most part, involved; and censure may not only be modified, but entirely escaped, by satisfactory explanations, or assurances of amendment, after conviction of the fact.

This discrimination is not unknown to Methodist discipline. In 1809 the law required "every local preacher" to have his name enrolled on a class-paper, and must in case, or in neglect thereof, be "shall forfeit his license." In 1812 the penalty was changed to the following, and so stood till 1828. "The Quarterly-meeting Conference, if they judge a person may deprive him of his unessential office." In 1828 this law was enacted. "No preacher among us shall hold or retain spurious leases, without forfeiting his official standing." In 1848, "No elder, deacon, or preacher

* To hear complaints.

To take cognizance of all the local preachers and exhorters in the circuit, station, or mission, and to license such gifts, labors, and usefulness as such, by name. To license proper persons to preach and to exhort, and to renew their licenses annually, when, in its judgment, their gifts, grace, and usefulness will warrant the renewal. (Disciplinary business of Quarterly Conference.)

among us shall distil or vend spirituous liquors without forfeiting his official standing." The well-known "tenth section" recognized the principle that a traveling preacher might "forfeit his ministerial character in our Church," and yet remain a member of the Church.

IV.—Crime, or Gross Immorality.

Every minister and member is liable to presentment and trial for any crime expressly forbidden in the word of God. In the case of such offenses, no Church-labor is necessary before the presentation of charges. And if the accused be clearly convicted, or in the course of the trial should make confession, however penitent he may be, censure, suitable to the case, must be inflicted.

SEC. III.—ECCLESIASTICAL CENSURES.

The censures which may be awarded in a Church-court are, reproof, suspension, location, deposition, and expulsion.

I. *Reproof* is an official rebuke for delinquency found, a formal warning of an offender of his error and danger, accompanied with an exhortation to amendment.

II. *Suspension*, as it respects private members, is a temporary exclusion from the Lord's-supper, and from all other privileges of Church-

membership. As respects ministers, it is the temporary exclusion from all ministerial offices whatsoever.

(1) Suspension should be limited by time or terms; therefore the sentence must specify when or on what terms the penalty shall cease.

(2) An Annual Conference cannot suspend a member for a term longer than a year.

(3) When a preacher has been tried in an Annual Conference, and suspended for one year, the Conference cannot, at the expiration of that year, expel him for the same offense, or continue the suspension for another period. When a member has suffered the punishment which was adjudged by the Conference at the time of his trial, he is deemed clear by the law. (Hedding.)

It should always be inquired at the expiration of the time, and before declaring the censure of suspension removed, whether it has been properly observed and submitted to. If it has not been, the member is not only not clear by the law, but has added to his offense, and may be expelled for contumacy.

(4) A minister under sentence of suspension is not only silenced from the pulpit, but is enjoined, by that sentence, against performing any function of his office—as the administration of baptism, or the Lord's-supper, or the celebration of the rites of matrimony. He is temporarily

deposed, nor are any acts of his as a minister lawful, until he is absolved of that censure.

(5) A preacher suspended on a verdict by a committee in the interval of the Annual Conference, or by a previous Conference, has no right to vote on any question at the ensuing session, until his character has been examined and passed—his sentence thus being removed.

(6) The same rule of suspension holds good in a Quarterly Conference. The sentence of a local preacher cannot go beyond the next session; it operates a suspension of all his official functions while it lasts; if submitted to during the period it is laid, it forestalls other censure for that offense; and it is formally removed by the passage of character.

(7) The suspension of a private member, if he be a member of a Quarterly Conference, does not *ipso facto* vacate his office, but it operates a suspension of all his official functions.

(8) A committee of investigation sitting on the case of a traveling preacher, may recommend suspension from all official functions till the ensuing Conference; or, in addition to this, if the case be aggravated, from all the privileges of private membership in the Church.*

* Ref. Bishop Hedding on Discipline, p. 21.

The Presiding Elder should therefore state, in the sentence of suspension, whether it is from all official functions only, or from these and the privileges of private membership also. When the Court having original jurisdiction meets and tries the case, it may take away both. The highest propriety therefore, in certain cases, may demand a temporary exclusion from both till the cause can be determined.

III. *Location.* The body of itinerant preachers supplies pastors to the Church. To them the official oversight and charge of circuits and stations is committed. They take special vows of devotion to this work. If one becomes so entangled in worldly cares, so inefficient, or so unacceptable, as to be no longer available for the purpose for which he was received into the Conference, and does not give satisfaction that he will amend or voluntarily retire, the Conference may locate him without his consent; and he is returned, in possession of his ministerial standing, to the body of local preachers, from whence he came.

This compulsory location is no reflection on the body of local preachers. One, for obvious reasons, may be useful in a local sphere to an extent that would justify his continuance in the ministry, who could not be useful in the wider scope and greater responsibility of the itinerant pastorate. He may be acceptable laboring on the conditions of a local preacher, when he would not

be as a pastor who must minister to every society in his circuit, and not to those that might affect him, and who draws his support from them. But to the located person it is a censure so far as this: it deprives him of a franchise which he had obtained as a member of the body of pastors, and declares him unfit for *this* work.

It is illegal for an Annual Conference to adjudge the censure of location in the case of a member convicted of crime or immorality; for this would be to censure, and even to degrade, the local ministry itself.

IV. *Deposition* is the degradation or displacing of a person from the ranks of the ministry for culpable inefficiency therein, and unfaithfulness to his ordination vows. When deposed, he is deposed entirely, and not from a higher to a lower order.

It is illegal to depose from the ministry a person convicted of crime or gross immorality, without at the same time, and by the same act, expelling him from the Church. The only legal sentences recognized in the trial of such a case are acquittal, suspension, and expulsion.*

V. *Expulsion* is a dreadful censure, of last resort, for such as walk disorderly and will not be reproved; the excommunication and formal cutting off from the visible Church of Christ of

* Journal Gen. Conf., 1850, p. 207.

those guilty of crimes, and gross immoralities, and pernicious heresies: that thereby the Church may testify against evils it has failed to cure, and be delivered from the scandal of the offense; while the incorrigible or contumacious offender, realizing his extreme condition, may thereby be led to repentance; and that others may fear.

Ecclesiastical censures ought to be suited to the nature of the offense, not losing sight of the character of the offender. When a lower sentence fails to reclaim the delinquent, it may be necessary to proceed to the infliction of a higher. The result of all discipline is the reclamation or expulsion of the offender. A course of discipline begun for the correction of offenses, should not cease until one of these results be secured.

Church-censures of every degree should be administered with solemnity, that they may be the means of properly impressing the beholder, and of leading the offender to repentance. Such advice should be added as may be judged necessary, and the whole should be concluded with prayer to Almighty God that he would follow the act of discipline with his blessing.

SEC. IV.—BILL OF CHARGES.

1. The grounds of accusation should be set

forth in a bill, with reasonable certainty of time, place, and circumstance. And it ought to be definitely stated under what rule of the Discipline the case is to be tried.

The reason of the rule requiring a charge to be exhibited with particularity is threefold: *First*, That the accused may be apprised of the precise nature of the charge made against him, and may have opportunity to prove an *alibi*, to extenuate or mitigate his offense, and in general to prepare his defense. *Second*, To enable the court to determine whether the facts constitute an offense, and to render the proper award thereon. *Third*, That the judgment may be a bar to any future prosecution for the same offense.

2. Every charge in a bill of indictment must involve an offense which, if sustained by evidence, without mitigating circumstances, would deserve a Church-censure. Two distinct offenses must not be included in one charge.

3. The specifications must correspond to the charge, and not involve a different offense; and they must be such that each one, if fully sustained, would sustain the charge.

4. If several persons are connected in the commission of the same offense, they cannot be arraigned in the same bill. Charges and specifications must be made out against each one, and each be separately cited and tried.

5. A copy of the bill of indictment, with notice of time and place of trial, duly signed, and left at the usual residence of the accused, is deemed a sufficient citation, even if the accused has fled from the place.

6. The preacher in charge, or the president of the court, is the proper person to issue citations to the accused, and to appoint a suitable time and place for the preliminary investigation and the trial.

7. In drawing up a bill of indictment, the following order should be observed:

(1) A statement of the charge.

(2) The specification or specifications by which it is sustained, arranged under it. Each specification should be numbered.

This order should be observed until every charge is presented, and the different specifications are arranged under their appropriate heads.

SEC. V.—ORDER OF PROCEEDINGS.

1. Every Church-court should open and close with prayer.

2. Before proceeding to trial, the court should be satisfied that citation has been served on the accused, and that he not only has had notice, but sufficient notice to secure his attendance.

If the accused is absent, and his absence is not owing to a disposition to evade a trial, but to the lack of proper citation, or to some other justifiable cause, the presiding officer should adjourn the court to a suitable time.

3. The presiding officer should announce the case, the names of the parties, (and of counsel, if there be any,) and also, before entering on the trial, should appoint a competent secretary to take minutes of it. A charge from the president to the judicatory is very proper, reminding them of the dignity and solemnity of the work they are to do, and of the spirit and manner in which it ought to be done.

4. Mode of proceeding:

(1) The charges and specifications are read.
(2) The accused responds.
(3) (*a*) Witnesses for the prosecution are examined.
    (*b*) Cross-examination by the accused.
(4) (*a*) Witnesses for the accused are examined.
    (*b*) Cross-examination by the prosecution.
(5) Rebutting testimony by the prosecution.
(6) Rebutting testimony by the accused.
(7) The parties are then heard in the following order:
    (*a*) The prosecutor.
    (*b*) The accused.
    (*c*) The prosecutor.
(8) The committee deliberate on the case.
(9) Verdict by the committee rendered.

(10) The presiding officer pronounces the sentence.
(11) The decision and sentence entered on record.
(12) Appeal may be taken, and notice of it made part of the minutes.

5. If the accused refuses to respond, or answers foreign to the purpose, it is deemed, in law, equivalent to answering "not guilty."

6. The preacher in charge should be present at the preliminary investigation; and as the president of the trial, should remain with the committee while making up their judgment. He is pastor of the flock, and would greatly neglect his duty were he to be absent, and consequently not know of the conduct of an accused member, or on what law or evidence the judgment is rendered. (Hedding.)

7. No member of a court, in forming a judgment, has a right to take into consideration any fact known to himself but which was not in evidence. If he knew any material fact, it was his duty to state it, as a witness.

8. Every question put to a witness, with the answer, should be recorded, if required by either party. The testimony of witnesses, as recorded, should be read to them for their approbation.

A witness, while giving testimony, may recall and correct his testimony; but it should be written down just as it is given, with all its corrections; and the

court must decide whether the latter statements are more worthy of belief than the former. The College of Bishops decided, in 1858, in a case arising out of a charge of maladministration brought against a Presiding Elder, that "if the testimony of a witness is misapprehended, he may, at his own suggestion, or on demand of the court, explain his testimony, and do this at any stage of the proceedings before the verdict."

9. No witness afterward to be examined, unless he be a member of the court, should be present during the examination of another witness in the same case, unless by consent of parties.

10. If the accused, in the beginning or progress of the trial, pleads guilty to the bill of indictment, no farther evidence need be taken. The fact should be made a part of the minutes and record, and the committee should proceed with the case.

11. Witnesses should be examined first by the party introducing them, then cross-examined by the other party. Afterward, any member of the court may, by permission of the president, put additional interrogatories.

12. The president is to decide who are competent witnesses, whether questions asked or documents offered are admissible, and to decide all questions of law arising in the trial.

When the president rules out certain witnesses, or questions, or papers, or refuses to allow to be entered on record any statement of fact which has occurred in court, or makes decisions on points of law which either party considers prejudicial to his interests, it is the right of the party to file an exception in writing, containing a statement of such testimony, question, or fact; and all exceptions so filed become parts of the record. All exceptions to evidence and to rulings ought to be taken at the time. It is too late after the verdict has been rendered.

13. The committee, in making up their verdict, inquire:

(1) Whether each of the specifications under a charge has been sustained.

(2) If any or all of them have been sustained, whether the charge is proved. All the specifications may be proved, and yet the charge not be, or some of them may not be proved, but others, sufficient to sustain the charge may be. Of course, if all the specifications fail, the charge does.

14. The decision of the committee should never be given verbally, but should be written and signed by all of the committee who approve it. A majority is competent to render a verdict.

15. The minutes of the trial should exhibit the time and place in which it is held, the names of the committee or court, the bill of indictment, the answer, the testimony, and all

such acts, orders, and decisions relating to the cause as either party may desire, and the judgment and sentence. To this should be added notice of appeal, if taken. The president of the court is bound to present these complete records to the appellate court.

16. The trial must be held to the charges and specifications brought against the accused. If a different crime is proved from the one alleged, he cannot be convicted, unless there is a new bill of charges setting forth the offense, and a trial *de novo*.

17. No one can be held to answer on a second indictment for any offense of which he has been acquitted, by a competent Church-court, on the facts and merits. But if he was acquitted upon the ground of a variance between the indictment and the proof, or upon any exception to the form of the indictment, he may be tried on a new process, and convicted of the same offense, notwithstanding such former acquittal.

18. When a charge of slander is preferred by one member or minister against another, it is lawful for the accused to prove the truth of his statements as a ground of justification.

19. Immaterial averments which might be expunged from the record without affecting it,

should be regarded as surplusage, and need not be proved.

20. Omissions and errors, when the true intent evidently appears, may be corrected; but no amendment, during the progress of the trial, can be admitted which in any degree changes the issue. During the trial, a new charge or specification cannot be admitted; neither can a charge or specification be withdrawn after evidence has been taken on it, without the consent of both parties.*

21. When the question is raised in a Quarterly Conference, under what rule of Discipline a charge is to be tried, the President of the Quarterly Conference must decide, subject to appeal.

A Presiding Elder decided in the case of a local preacher complained of for having the art and science of modern dancing taught, that the case came under the rule of the Discipline forbidding "improper tempers, words, or actions." This decision, on appeal, was sustained by the Bishop, on the ground "that it is contrary to the spirit of the Discipline and of the New Testament to teach the art and science of modern dancing anywhere, or to practice promiscuous dancing anywhere," and all the Bishops concurred.†

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*College of Bishops, 1859.
†College of Bishops, 1858.

CHAPTER V.

OF TRIALS.

SEC. I.—TRIAL OF A MEMBER.

1. No member can be put on his trial for crime or immorality unless on presentment of three other members, who, as a committee, have investigated the case.

2. If such investigation should result in raising a strong presumption of the guilt of the party implicated, the committee, without waiting for positive and undoubted evidence of guilt, should put the case in the way of trial.*

The Discipline directs that if the committee "judge a trial to be necessary, they shall appoint one of their number to prepare a bill of charges and specifications, and also to prosecute the case" in the name of the Church. "Upon the presentation of such bill of charges" the preacher in charge must take measures for trial thereon.

3. Great caution ought to be exercised by investigating committees in receiving accusations

*See Chapter IV., Sec. 5, on Order of Proceedings.

from any one who is known to indulge a malignant spirit toward the accused, who is not of good character, who is himself under censure or process, who is particularly interested in the conviction of the accused, or who is known to be rash, litigious, or highly imprudent.

4. It is discretionary with the preacher whether the trial shall be before a "select number"—that is, a committee—or before the whole Church—that is, the Society where the accused holds his membership; but the instances will ever be rare in which it is expedient or practicable to call together a whole Society to sit on a trial.

In selecting the committee for the trial of a member, a preacher ought to be very careful to obtain wise, pious, and candid men, who will do justice both to the accused person and to the Church. There should be a sufficient number of them to form a respectable court; for the decision of so important a matter should not be left to two or three individuals. A fit time and place should be appointed for a fair investigation: time enough should be taken for that object, even if it require an adjournment from day to day: nothing should be done in a hurry where so important an interest is pending as membership in the Church. The accused person should be furnished in season for preparation with the matter of which he is accused; and if he be ignorant, or incapable of managing his own cause, a

capable and honest member should be employed to assist him, that no advantage be taken of one of the least of the children of God. (Hedding.)

5. No member of the Quarterly Conference should be on the committee if other suitable persons can be found, that in case of appeal, the accused may have the benefit of a full and uncommitted tribunal.

6. The accused should not, of course, be allowed directly or indirectly to pack a jury of his friends, and so defeat the ends of justice; neither should those be appointed who are prejudiced against him. He is allowed to challenge two out of a committee of five, and the like ratio for any other number; the challenge, however, is not peremptory, but for cause. If he can show a good reason why any juror should not sit on his case, a judicious administrator will supply his place with another.

7. "If the accused person evade a trial by absenting himself, after sufficient notice given him," the preacher in charge is not to esteem him guilty upon his own judgment, and proceed to pronounce suspension or expulsion. The committee should consider the case, taking such evidence as is necessary. If the circumstances afford strong presumption of guilt, the accused

is to "be esteemed as guilty," and upon the verdict being rendered, sentence is to issue accordingly. In such a case, there is no redress by appeal, for contumacy is itself an offense deserving censure.

An accused person may procure some one to appear in his behalf. In such case, his right of appeal is not forfeited.

8. When an important witness is absent by no fault of the party for which he is to testify, or when a party is surprised by evidence which he could not anticipate, the trial may, upon application, be adjourned, at the discretion of the presiding officer, till a time when all important witnesses may attend.

9. The whole question of guilt or innocence rests upon the decision of the committee. Upon their rendering a verdict of *guilty*, the after-course of discipline depends on the nature of the case:

(1) If the offense charged falls in the class of Imprudences, after a verdict of guilty, there may be pardon upon repentance; but "if there be no sign of real humiliation, the offender must be cut off."*

Bishop Hedding thus defines the duty of the admin-

*See Chapter IV., Sec. 2.

istrator in offenses of this degree: "When the offender is suitably humble and penitent, forgiveness and forbearance should be exercised, and a repentant brother may be retained in the Church. 'Brethren, if a man be overtaken in a fault, ye which are spiritual restore such a one in the spirit of meekness.' Gal. vi. 1. That the rule is to be so understood, is evident from a clause in the 'General Rules.' 'If there be any among us who observe them not, who habitually break any of them, let it be known unto them who watch over that soul as they who must give an account. We will admonish him of the error of his ways. We will bear with him for a season. But if then he repent not, he hath no more place among us. We have delivered our own souls.'

"In exercising mercy in this case, the preacher will need great prudence, to avoid doing it in a way to grieve and afflict the members, or cast a stumbling-block before the world. On this question he should take counsel with the select number, or the leaders' meeting, or, in some cases, with the Society in the place, that it may be understood the offender is restored by general consent." (Notes on Discipline, pp. 67, 68.)

(2) If the case comes under the class of Sowing Dissensions, etc., after a verdict of guilty, the offender may be pardoned, upon manifestation of a proper spirit, and engaging to amend his conduct. If he persist, he must be expelled.*

Lord King, in his Inquiry into the Primitive Church,

*See Chapter IV., Sec. 2.

says: "As for the executive power, by which I understand the formal pronunciation of suspension and excommunications, and such like, that could be done by none but the Bishop, or by persons in holy orders, deputed and commissioned by him."

(3) If the offender has been tried for crime or gross immorality, the committee, in addition to deciding him guilty of the *act*, should entertain and decide another matter: Are there any mitigating circumstances to be taken into the account, which modify the guilt, and, consequently, should modify the penalty? When the committee's decision has been thus given, the pastor must pronounce a sentence of suspension or expulsion. The law allows alternative censures. "For scandalous crimes," says Bishop Hedding, "expulsion should undoubtedly take place."

The theory that the power of judging and excommunicating, and therefore, of lesser ecclesiastical censure, inheres in the pastorate, has been held and acted on by some Churches; and was once held by ours. (See Chap. IV., Sec. i., Par. 4.) Previous to 1789, the administration seems to have been on that plan. In that year was introduced into the Discipline the original Rule on this subject, prepared the year before by Bishop Asbury. It ran thus:

"On Bringing to Trial; Finding Guilty; Reproving, Suspending, and Excluding Disorderly Persons from Society and Church-privileges.

"*Question.* How shall a suspected member be brought to trial?

"*Answer.* Before the Society of which he is a member, or a select number of them, in the presence of a Bishop, elder, deacon, or preacher, in the following manner: Let the accused and accuser be brought face to face. If this cannot be done, let the next best evidence be procured. If the accused person be found guilty, and the crime be such as is expressly forbidden by the word of God, sufficient to exclude a person from the kingdom of grace and glory, and to make him a subject of wrath and hell, let him be expelled. . . . If there be a murmur or complaint that justice is not done, the person shall be allowed an appeal to the quarterly-meeting, and have his case reconsidered before a Bishop, Presiding Elder, or deacon, with the preachers, stewards, and leaders who may be present."

The words "before the Society," "or a select number," might mislead the reader who is used to the Church-jury of the present day. They mean no more than this: the members saw the minister acting as chancellor in the trial, gave their own testimony, if they had any, and made remarks, and heard the case developed and disposed of. It was decided not *by* them, but in their presence; and thus they could be satisfied that it was fairly done. Both judgment and censure were exercised by the same person. The following explanation of this new—and then thought liberal—law was published in the Minutes:

"As a very few persons have, in some respect, mistaken our meaning, in the thirty-second section of our form of Discipline, on bringing to trial disorderly per-

sons, etc., we think it necessary to explain it. When a member of our Society is to be tried for any offense, the officiating minister or preacher is to call together all the members, if the Society be small, or a select number, if it be large, to take knowledge, and give advice, and bear witness to the justice of the whole process, that improper and private expulsions may be prevented for the future."

In the General Conference of 1792 the words "let him be expelled" were so changed as to express more clearly what was done—"let the minister or preacher who has charge of the circuit expel him." In 1797, Bishops Asbury and Coke, explaining this section on the trial of disorderly persons, as it then stood, argue from Scripture, (Heb. xiii. 7–17, and other passages,) and from Church-history, and the reason of things, that the final judgment of an offender, in respect to both the guilt and the censure, ought to be invested in the minister; "nor could we," say they, speaking for themselves and the Conference, "justify our conduct in investing the quarterly-meeting with the authority of receiving and determining appeals, if it were not almost entirely composed of men who are more or less engaged in the ministry of the word, the stewards being the only exception." (Notes on Discipline, p. 168.)

By the General Conference of 1800, after the words found guilty," the following were inserted: "by the decision of a majority of the members before whom he is brought to trial." Henceforth the question of guilt was taken out of the minister's hands, and the accused member was to be convicted or acquitted not only *before*, but *by*, the Society, or "a select number of them."

(Emory's History of Discipline, pp. 189–192.) In 1808 this was secured and locked up in the Constitution: "the privileges of our members of trial before the Society, or by a committee, and of an appeal." (Discipline, fifth Restriction.) Thus the matter stands. In some cases, the Church has definitely prescribed the penalty which the pastor shall pronounce on a certain finding of facts. In others, there is a margin for godly discretion. Bishop Hedding is explicit: "When the judgment of guilt is rendered, who is to award the punishment, or expel, when expulsion is necessary? The preacher. For when the authority of deciding on the guilt or innocence of an accused member was taken from the preacher and given to the people, that was all that was taken from the one, or given to the others." (Discourse on Discipline, p. 63.)

SEC. II.—TRIAL OF A LOCAL PREACHER.

1. A local preacher cannot, in any proper sense, be *tried* by a committee. He is amenable to the Quarterly Conference for his conduct, personal and official; and by the Quarterly Conference alone can he be tried and censured.*

2. When a local preacher is guilty of improper tempers, words, or actions, he should be reprehended by the preacher having charge If this measure fail, the pastor is to repeat it, taking one, two, or three faithful friends as witnesses. If

* For the Order of Proceedings, consult Chapter IV., Sec. 5.

the offender be not then cured, he must be tried at the next Quarterly Conference. If found guilty, the Quarterly Conference may, upon satisfactory evidence of humiliation and assurance of amendment, exercise forgiveness and forbearance; otherwise, the guilty person must be cut off.

3. The Quarterly Conference not only finds a verdict in the trial of a local preacher, but awards the penalty. The President of the Quarterly Conference makes known its decision, and pronounces the censure, if there be any.

"When a Quarterly Conference," says Bishop Hedding, "has determined that a local preacher is guilty of some offense, who is to determine the amount of punishment? If expulsion, who is to expel him? Not the Presiding Elder, but the Quarterly Conference." It may be remarked here, and the remark is applicable elsewhere, that if a Quarterly Conference find a palliating circumstance in the guilt of the accused, it should be definitely expressed in making up the verdict, and not left to find its expression solely in the grade of censure inflicted. Otherwise, there may be the scandal of an inadequate penalty affixed to an unqualified offense; and the Church would appear to have a low moral standard.

4. A local preacher is liable to be *complained* of in a Quarterly Conference for neglect of duty. It is the business of the Quarterly Conference

"to take cognizance of all the local preachers," and "to inquire into the gifts, labors, and usefulness of each by name." The law now requires that this shall be done annually; usage would indicate that it be done annually. Analogy, drawn from a similar proceeding in the case of traveling preachers, indicates that before the official character of a local preacher is arrested by a "complaint," he should be advised of it. A friendly and personal interview might remove the objection. At least, the person objected to is saved from surprise, if not from ultimate censure.*

5. In the Quarterly Conference, a local preacher, though not charged with immorality, may be complained of for want of usefulness, or acceptability, or of fidelity to ministerial obligations; he may there hear of the dissatisfaction of his brethren at his course, and give explanations of what seems unworthy or derelict; his character may not pass, and charges may ultimately be developed. But it is not competent for a Quarterly Conference, proceeding by simple motion, to deprive him of his credentials under the question of complaints. There must be an investigation in due form, after notice and admonition.

*See Chapter I., Sec. iii., Par. 8.

In a case of discipline administered in 1860, and coming before an Annual Conference on appeal, it was decided by the President, and the decision was concurred in by the College of Bishops, that a Quarterly Conference has not the right to deprive an ordained local preacher of his credentials without a trial on a charge or charges and specifications. It was held that where censure is inflicted, there must be a previous conviction arrived at in regular process; so that the accused may have the protection of forms, and the benefit of appeal. The proceedings should be taken down by a secretary appointed for the purpose, and the Minutes duly approved and signed; so that, in case of appeal to the Annual Conference which conferred his credentials, he may have opportunity to show objections to the sentence by which he was deprived of them.

6. A local preacher is liable, without previous Church-labor, to be brought to trial before a Quarterly Conference, on a charge (1) of crime or immorality; (2) of disseminating doctrines contrary to our standards; (3) of sowing dissensions by inveighing against our discipline. Upon the finding of guilt, or upon a confession of it, in the first case, if the offense be of a scandalous sort, expulsion should undoubtedly follow. It is enumerated among the duties of a Quarterly Conference, "to try, suspend, or expel" any local preacher against whom charges may be brought. If conviction be had in

the second or third case, the offender may be borne with upon satisfactory assurances. Otherwise, he incurs ecclesiastical censure, even to expulsion.*

Minutes of these trials should be kept by a secretary appointed for the purpose; and when approved, must be signed by the President and the members of the Quarterly Conference, or a majority of them.

7. The Presiding Elder should remain with committees and Quarterly Conferences while investigating and deliberating on matters brought before him—so the College of Bishops decided in a case arising in 1857 in one of the Annual Conferences—and on this ground: "If a preacher is the pastor of a particular Church, so is the Presiding Elder the pastor of his District. If the relation of pastor justifies this course in one case, the same relation justifies it in the other." †

But a judicious administrator will be careful not to let his opinions be known concerning the guilt or innocence of the accused. He is present not as a partisan, but as a pastor.

8. The trial for crime or immorality, for disseminating heretical doctrines, or for fomenting dissensions, must always be preceded by a

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*See Chapter IV., Sec. 2.

†See Chapter IV., Sec. v., Par. 6.

committee of investigation. This committee is now essential to process; properly conducted, it is very useful in collecting evidence and preparing the case for trial. The preacher in charge may proceed upon rumor of guilt to appoint a committee of three local preachers to investigate the case. He is not confined to his own circuit or District in selecting the committee.

Great care should be taken to appoint a wise, prudent, and impartial committee. All suitable means should be employed to have a thorough and fair investigation, for the Quarterly Conference may be held at a distance from the place where the fullest testimony may be secured, and the testimony collected by this committee is of the nature of depositions. Bishop Hedding says: "When the 'Minutes' have been taken, as prescribed, and are carried up to the Quarterly Conference, is that Conference to proceed upon the evidence as recorded in the 'Minutes,' as in the case of an appeal, or is new evidence to be admitted? New evidence may be admitted, if necessary; for it is a new trial, not an appeal. The Conference has original jurisdiction in the case, and the best evidence should be admitted, whether the Minutes or personal testimony."

9. The suspension of a local preacher from the exercise of his office after the finding of an indictment by the committee, is not to be considered as a censure judicially awarded, but an

arrest of character, until the case can be examined and determined by the Quarterly Conference.

At the General Conference of 1870, the law was made plainer; or rather, it was altered, so that this committee is to be so worked as to conform the Discipline in this part to other parts. No private member can be put on his trial for a capital offense, without presentment by a committee of three. It is so, likewise, with the traveling preacher. But the local preacher had no such security against needless arraignment and vexatious prosecution, unless it be found here; neither had the Church, against immature and ill-conducted trials. The interval between Quarterly Conferences is so short, that a committee, acting with the form and force of a *quasi* trial, is seldom if ever necessary, as with traveling preachers. Local preachers can soon be reached by the court of original jurisdiction. Experienced administrators have found the *quasi* trial of committee confusing and of doubtful benefit. Now the committee called in the case of local preachers, being confined to the investigating functions of committees in the other two parallel cases, it must simplify our jurisprudence, extend equal protection to all, and contribute to the thoroughness and dispatch of Quarterly Conference business. The Discipline, from 1796 to 1820, after the finding by the investigating committee and arrest, said: "And in such case and in every case where a meeting [committee] assembled as above described, shall deem the said local preacher, deacon, or elder culpable, the next quar-

terly-meeting shall proceed upon his trial, and shall have authority to clear, reprove, suspend, or expel him, according to their judgment." Bishop Morris's interpretation favors this adjustment to our system. The committee is "of the nature of a court of inquiry, to ascertain whether or not there be cause for a trial; and if so, it must go to the Quarterly Conference, the only tribunal that has authority to try it. And in all practicable cases, the preacher in charge should inquire into complaints against local preachers by a committee, before they come into the Quarterly Conference, or be held responsible for this neglect of duty."

10. A traveling preacher who is on probation, having not yet gained full membership in the Annual Conference, does not have his character passed upon at the Quarterly Conference. He is examined at the Annual Conference, where he is enrolled on probation. "He is amenable for his *administration*, when he is in charge," says Bishop Hedding, "to his Presiding Elder and to the Annual Conference. The Presiding Elder can correct his errors and reprove him, and change his relation by putting him under another preacher; and the Conference can discontinue him for that cause." But if charges are brought against him for immorality, he is accountable to the Quarterly Conference of the circuit on which he travels, and has his trial before that tribunal, as a local preacher.

11. A local preacher who travels as a *supply*, under the employment of the Presiding Elder, is a member of the Quarterly Conference of the circuit he serves, and is responsible for his *administration* to the Presiding Elder, who can correct his errors, and remove or discontinue him. But to the Quarterly Conference he is accountable for moral conduct. By it his character must be passed, and if not ordained, his license renewed. As a local preacher, he can be tried only by the Quarterly Conference, and has an appeal to the Annual Conference.

12. When a local preacher, by expulsion, deposition, or withdrawal, forfeits his credentials, it is the duty of the Presiding Elder to require them of him, to be filed with the Annual Conference.

The credentials are invalid, henceforth, by their very conditions, and should be surrendered to the Church which gave them. It would be an imposition for such a person to exercise the ministry upon the authority of a Church that had no more control over him or connection with him. If the forfeited credentials are not surrendered, the character of the Church and the interests of morality might require that the position of such a person should be published to the world. This is the course of proceedings adopted in the case of a traveling preacher who has forfeited his credentials.

SEC. III.—TRIAL OF A TRAVELING PREACHER.

1. A traveling preacher is responsible to the Annual Conference of which he is a member, for his moral and ministerial conduct. The proper time to present a complaint or charge against him is when his name is called in the annual examination of character, and the question is asked, "Is he blameless in life and official administration?"

2. On account of the interval between the sessions of the Conference, and the delicacy and importance of his work, the arrest of an immoral minister cannot always be delayed till the ensuing session. "It is sometimes necessary," in the language of Coke and Asbury, "to stop the plague by an immediate stroke of discipline." Hence, committees of investigation in the case of accused traveling preachers, with power of suspension, are provided for.*

"The great object," says Bishop McKendree, "of committees is to attend to complaints and charges in the intervals of Conference, and thereby rescue the character of innocent brethren, wrongfully accused, from injury, and preserve their usefulness by acquitting them, when not guilty; and if judged to be guilty, to save the Church from reproach and injury, by suspending them until the ensuing Conference."

*For Order of Proceedings in a Church-court, see Chapter IV., Sec. 5.

3. The committee of preachers, called by the Presiding Elder, may be from any portion of the Conference; though if his District furnishes suitable persons, the selection should be made from within its bounds. And when, in his judgment, the circumstances demand it, the Presiding Elder may appoint the place for the investigation outside of his District.

4. It is the Presiding Elder who suspends, and not the committee. The committee's verdict on the charge must first be rendered.

In 1792, the third answer to the question, "What are the duties of a Presiding Elder?" was, "To change, receive, or suspend preachers in his District during the intervals of the Conference, and in the absence of the Bishop." This was done without the intervention of a committee. In the Discipline of 1796, the first question and answer under the section on bringing to trial immoral traveling ministers, read thus: "What shall be done when an elder, deacon, or preacher is under the report of being guilty of some crime expressly forbidden in the word of God, as an unchristian practice sufficient to exclude a person from the kingdom of grace and glory, and to make him a subject of wrath and hell? *Answer.* Let the Presiding Elder, in the absence of a Bishop, call as many ministers as he shall think fit—at least three—and if possible bring the accused and the accuser face to face. If the person be clearly convicted, he shall be suspended from all official services in the Church till the ensuing yearly Confer-

ence, at which his case shall be fully considered and determined." Under this, Bishops Coke and Asbury, in their Notes, say: "The answer to the first question serves to remove every reasonable objection to the *suspending power* of the Presiding Elder. The trial of a minister or preacher for gross immorality shall be in the presence of at least three ministers. These ministers have, of course, full liberty to speak their sentiments either in favor or disfavor of the accused person. This must always serve as a strong check on the Presiding Elder, respecting the abuse of his power," etc. In 1804, these pregnant words were added to the above third answer, making it what it has been ever since, "as the Discipline directs." The power of suspending a preacher without a previous conviction by a committee, was taken away, and this "privilege of our ministers or preachers" was guarded in the Fifth Article or Restrictive Rule of the Constitution, adopted four years later.*

5. A Presiding Elder cannot call a traveling preacher before a committee, except (1) when he is under report of being guilty of some crime expressly forbidden in the word of God, (2) or is under report of holding and disseminating publicly or privately doctrines which are contrary to our Articles of Religion, (3) or ceases to travel without the consent of the Annual Conference. If, under the first item, the committee find him guilty, or he confesses guilt,

*See last note of Sec. I. of this Chapter.

the preacher must be suspended: there is no discretion allowed. The penitence of the accused cannot prevent suspension. Under the second item, the committee may find the accused preacher guilty; but if he solemnly engages not to disseminate such erroneous doctrines in public or in private, he must be borne with, till his case can be laid before the Conference. Under the third item, the committee may find the fact, and also the "unavoidable circumstances" which justify it, and there is no suspension.

The phrase, "doctrines which are contrary to our Articles of Religion," is evidently elliptical, and may be better understood by quoting its connection in the first Restrictive Rule. "The General Conference shall not revoke, alter, or change our Articles of Religion, or establish any new standards or rule of doctrine contrary to our present existing and established standards of doctrine." Some of the leading and characteristic doctrines of Methodism are not mentioned in the twenty-five technically called "Articles of Religion;" and these "established standards of doctrine" the Church is as fully pledged to and as much obliged to maintain as the Articles. Usage and general consent indicate these standard expositions of the Bible to be Wesley's Sermons and his Notes on the New Testament, Watson's Theological Institutes and Wesleyan Methodist Catechisms, and the Hymn-book.

6. A traveling preacher who refuses to "at-

tend to the work assigned him," may be suspended in the interval of the Annual Conference. It is the duty of the Presiding Elder "to take charge of all the elders and deacons, traveling and local preachers in his District," and "to take care that every part of the Discipline be enforced in his District." The Discipline declares that "no deacon or elder who ceases to travel, without the consent of the Annual Conference," except in case of sickness, debility, or other unavoidable circumstances, "shall, on any account, exercise the peculiar functions of his office, or even be allowed to preach among us." Hence, any deacon or elder, so acting, may be cited by the Presiding Elder of the District to which he belongs, before a committee of traveling preachers, and be suspended, if the committee decide that the law has been violated. "Nevertheless, the *final* determination in all such cases is with the Annual Conference."

7. The right is conceded to an Annual Conference, and it has become usage, when an accusation is preferred against a member, and he cannot be tried during the session, for want of testimony or other cause, to refer the matter to the Presiding Elder, who may have charge of him the ensuing year. The Presiding Elder

and the committee called proceed as in any other case of immorality, in the interval of the Conference. If they find a verdict against the accused, he can only be suspended. This investigation having been ordered by the Conference, it is not discretionary with the Presiding Elder, and he should enter upon it without unnecessary delay. If a specific charge has been referred, the committee must investigate that; if the preacher's character, then any charges may be investigated that are preferred.

The traveling preacher is under arrest of character from the time of such reference. He cannot receive an appointment, and must be returned in the printed Minutes, with this statement of his condition. If a specific charge has been referred, his character is under arrest *quoad hoc;* and if the committee should clear him of that, his character is passed, and he may receive work for the remainder of the ecclesiastical year. In any event, the Presiding Elder must lay before the ensuing Conference the report and action of the committee, with all the testimony taken, and the whole is referred to the "committee of three traveling elders," and takes the prescribed course of the Discipline.

8. If "the supposed delinquent flees from trial," the committee should, notwithstanding this "presumptive proof of guilt," proceed to take all the testimony that is necessary for ex-

hibiting the case fully to the Annual Conference, and justifying their own verdict. The offender who will not face the preliminary investigation, may come up to Conference, and stand his trial there.

Though the work of this committee is not even an essential preliminary to the real *trial*, and no more can be done, in the worst case, than to suspend from ministerial offices and Church-privileges until the ensuing Annual Conference, nevertheless this investigation is sometimes spoken of as "a trial." It should be conducted in due form; for the Conference may be held at a distance from the scene of testimony, and the principal witnesses may not be able to attend its session. The committee, on the spot, should be careful and thorough, and an exact record of its proceedings should be kept; for the testimony taken is of the nature of depositions, and the Conference may have to rely mainly upon it in determining the case.

9. The acquittal of the accused by the committee does not prevent his being brought before the Conference on the same charge. Nor does his conviction and suspension prevent the reference of his case to a "committee of three traveling elders," raised during the session, to "report to the Conference such cases as they judge necessary to be tried."

The committee called by the Presiding Elder had a service to perform for "the interval of the Annual

Conference" only. When he has laid the case before the Conference, according to its report—whether favorable or unfavorable—the committee's work is done. The Conference then takes up the case, and submits it to "a committee of three traveling elders," chosen under the most favorable circumstances for securing skill and judgment. The committee called by the Presiding Elder were "traveling preachers," but perhaps not "elders." So far from being governed by the report of that committee, the Conference exercises the right of rejecting the report of its own committee, and having a new one appointed to inquire into the facts, and ascertain if a trial be necessary.

10. The committee of trial raised during the session have "full power," and their "decision is final"—except the right of appeal, which is reserved to the accused. When the report is made to the Conference, through the Secretary, there can be no debate. The committee represents the Annual Conference, and the act of the committee is the act of the Conference. If members are dissatisfied with the verdict or award of the committee, there is no right of appeal, inasmuch as the Conference cannot appeal from itself.*

11. The committee of trial cannot hold its sessions after the final adjournment of the Con-

* College of Bishops, 1868.

ference; for, being the representative of the Conference in session, as to the matter under consideration, the committee cannot survive its final adjournment. Moreover, its report must be made to the Conference, and its sentence pronounced from the chair, before it takes effect.

12. "A Bishop, or a chairman whom the President of the Conference shall appoint," must preside over the committee of trial. The chairman is not a member of the committee, and therefore cannot vote. He is there to see that the law is observed, and is the substitute of the Bishop, who should be kept fully advised of his rulings in the case, and consenting to them.*

13. When a traveling preacher is complained of as being "so unacceptable, inefficient, or secular as to be no longer useful in his work," the Conference must investigate the case. This is a matter which cannot come before a committee in the interval of Conference; neither can it be referred, during the session, to a committee, as in case of immorality. The investigation concerning the propriety of continuing one in the pastorate, must be like that concerning his re-

*For bill of charges, and order of proceedings in the trial, see Chapter IV., Sec. 2, 5.

ception—"before the Conference." He must "be at liberty to defend himself before the Conference in person, or by his representative." If it appears that the complaint is well founded, and he does not give the Conference satisfaction that he will amend or voluntarily retire, they may locate him without his consent.*

This investigation cannot take so definite a shape as a trial, but it should be conducted with that formality necessary to guard against hasty and unjust action. It must not rest entirely upon opinions and sentiments, but the complaint of unacceptability, or inefficiency, or secularity—one, or more, or all these—should be set forth with sufficient allegations of facts and proofs, to give to the accused an opportunity to make his defense, and to the Conference a safe basis of judgment. The Secretary of the Conference should make a brief but clear statement of the case on his journal; and also in a form that may be authenticated and preserved, the full minutes and testimony of the case should be recorded.

14. The complaint should allege unacceptability, inefficiency, or secularity—one, or more, or all these—and the testimony taken should look, not only to the fact of unacceptability, but to the cause. The vote or sense of the Conference should be taken first on sustaining the complaint. If it is not sustained, the ac-

*See Chapter IV., Sec. 2.

cused cannot be located; if the complaint is sustained, he may have opportunity of retiring voluntarily, or of giving the Conference satisfactory assurance that he will amend. Failing to do this, the Conference may locate him without his consent.

This rule was made in 1836: "What shall be done with a member of an Annual Conference who conducts himself in a manner which renders him unacceptable to the people as a traveling preacher?" The answer was—"It shall be the duty of the Conference to which he belongs to investigate the case; and if it appear that the complaint is well founded, and he do not give the Conference satisfaction that he will amend or voluntarily retire, they may locate him without his consent;" and provision is made for reconsidering the matter, if done in his absence. In 1866 the complaint was made more specific—"so unacceptable, inefficient, or secular, as to be no longer useful in his work." The law was designed to enable an Annual Conference to maintain an active corps of pastors—an itinerant ministry in fact, as well as in name. It looks not to putting away those who have been disabled, or who have worn themselves out in its service—for the supernumerary and superannuated relations are still retained; but it looks to relieving the Conference of those who are otherwise unfitted for the connectional pastorate. The operation of the law has not always been successful. In their Address to the General Conference of 1840, the Bishops say, "We invite your particular attention to a review of the process prescribed in the Discipline,

in the provision for locating a preacher without his consent." This suggestion seems to have been overlooked. Most of the locations that have taken place under the rule have been reversed, on appeal, for one cause or other; and the persons which the Annual Conferences have sought thus to rid themselves of, have been returned upon them by the General Conference. Of the four appeals which came up in 1840, only one appears to have been entertained; and the act of the Annual Conference in that instance was reversed, because "the decision appears, from the journals of said Conference, to be defective for the want of documentary evidence." (Journal, p. 85.) An appeal to the General Conference of 1854 was disposed of upon this ground: "That inasmuch as the records do not show the cause for which the appellant was located, or the evidence introduced in the case, but simply the fact of his location, therefore, the Conference being unprepared to decide on the merits of the case, do remand it back for a new hearing." (Journal, p. 250.) In 1858 the act of an Annual Conference was reversed because "the location was upon testimony that looks to the fact of unacceptableness, without reference to the cause producing this state of things; and the locating resolution places the fact of unacceptableness upon different ground from that given in the law of the Discipline bearing on the case." (Journal, p. 419.)

It may be well doubted whether the location of a traveling preacher, under this provision, is, or was ever designed to be, an appealable case. No charge of immorality is brought against the person thus disposed of. He is returned to the honorable ranks from whence he

came in the possession of his ministerial character and credentials, because the Conference has become convinced of its error in admitting him, or because the disposition and circumstances, which once adapted him to its work, no longer exist. Annual Conferences are allowed to be the best judges of suitable persons for the itinerant work, and therefore refuse every year to admit some who have served their probation, or to readmit others; and there is no appeal from these decisions. To give to the "investigation" the accuracy and detail of a "trial," as where immorality is alleged, is impracticable. The rule, as it stands in the Discipline, is above these words: "Provided, nevertheless, that in all the above-mentioned cases of trial and conviction, an appeal to the ensuing General Conference shall be allowed," etc. But this relation to the appeal clause may be regarded as an accidental collocation. The proviso for an appeal had stood there since 1792, and was amended in 1820, and looks to trials and convictions followed by expulsions and other censures previously described, and was applicable to them only. This rule, enacted forty years afterward, contained no allusion to appeal as a part of itself. Three persons, once members of different Annual Conferences—Missouri, Kentucky, and Indiana—came before the General Conference of 1828, "complaining of injustice done them by their several Conferences, in locating them without their consent." Their "communications" were referred to a committee which, on May 28, reported; and "after considerable time spent in debate on the business," their report, as amended, was adopted, as follows:

"1. That the Discipline does not prohibit an Annual Conference from locating one of its members without his consent.

"2. That there is no provision in the Discipline authorizing a person so located to appeal to the General Conference, nor for any process by which to conduct an appeal in such a case; and that the brethren concerned have, therefore, no legal ground to claim a privilege for which the Discipline, under whose regulations they entered the itinerant field, has made no provision.

"3. Your committee believe, moreover, that when it is rendered evident to the satisfaction of an Annual Conference that one of its members habitually neglects those duties which he engages, on entering the itinerancy, to perform, while, in the estimation of the Conference, he is able to perform them, or otherwise conducts himself in a manner which, though not absolutely criminal in itself, nevertheless renders him unacceptable to the people, and destroys his usefulness among them, he ought to be located, and that provision ought to be made in the Discipline for that purpose. They therefore recommend the adoption of the following:"—and then follows, in its present place, the rule under consideration. It seems the thing had been done under the common law; and because some doubted its legality, the General Conference enacted a statute to cover the case. (Journal, p. 493.)

15. A traveling preacher is relied on to fill his appointment, to attend to the work assigned him; and the Church regards it as a ministerial offense of high order for him to fail, unless on

account of sickness, debility, or other unavoidable circumstances. For this the Conference may suspend, locate, or depose him.

The member of an Annual Conference, as such, has a franchise and prerogative which a local preacher has not, and more is required of him. To him pertains the pastoral care and the administration of discipline. There is a provision for his support by the Church, while in its active service; and also for his wants as a superannuated preacher, and for those of his widow and orphans. He is under vows to "employ all his time in the work of God;" and not only to work, but "do that part of the work," and "at those times and places" which the Church, through her constituted authorities, judges to be best, and directs. He voluntarily continues among those subject to appointment. At any time before the laborers are assigned to the various fields, he could retire regularly. Afterward, to refuse to attend to the work assigned, is "to cease to travel without the consent of the Annual Conference." This strikes a vital blow at the itinerant system. If one may do this, so may others: the appointments fall through, the congregations are dispersed, and by reason of this negligence, great "hurt and hinderance" may befall the Church. He breaks his covenant with the Conference and the Church; and whoever does this, is liable to be broken of his office, and even to be degraded from the ministry. The people surrendered their right to supply themselves with a pastor, and looked to the Conference. The Conference engaged to supply them, and looked to this man, and he has not

fulfilled his engagement. Every itinerant is under covenant with the Church for pastoral service, at least till the next session of Conference. The Church, as she values her economy, has guarded this point strongly, and whoever violates it ought to be well prepared to answer for it to his brethren. Having refused to keep his appointment, the Conference may place him in the class of ministers who are not subject to appointment; or he may be censured by suspension; or, in an aggravated case of ministerial unfaithfulness, he may be deposed.

SEC. IV.—TRIAL OF A BISHOP.

1. The Church has taken care that the General Superintendency shall be *itinerant;* and official deposition is the penalty provided for a Bishop "who ceases to travel at large," "without the consent of the General Conference."

In 1792 the section "Of the election and consecration of Bishops, and their duty," took its present form and title. "*Question* 6. If the Bishop cease from traveling at large among the people, shall he still exercise his office among us in any degree? *Answer.* If he cease from traveling without the consent of the General Conference, he shall not thereafter exercise any ministerial function whatsoever in our Church." In 1804 "office," in Question 6, was changed to "Episcopal office," and "any ministerial function whatsoever," in the Answer, to "the Episcopal office;" and thus it stood in 1808, when the Constitution was adopted, fixing the limits and departments of the Church-government.

Bishops Coke and Asbury say, "Our grand plan, in all its parts, leads to an itinerant ministry. Our Bishops are *traveling* Bishops. All the different orders which compose our Conferences are engaged in the traveling line. Every thing is kept moving as far as possible; and we will be bold to say that, next to the grace of God, there is nothing like this for keeping the whole body alive from the center to the circumference, and for the continual extension of the circumference on every hand. . . . The Bishops are obliged to travel till the General Conference pronounces them worn out or superannuated, for that certainly is the meaning of the answer to the sixth question of this section. . . . It would be a disgrace to our Episcopacy to have Bishops settled on their plantations here and there, evidencing to all the world that instead of breathing the spirit of their office, they could, without remorse, *lay down their crown*, and bury the most important talents God has given to men. . . . All the Episcopal Churches in the world are conscious of the dignity of the Episcopal office. The greatest part of them endeavor to preserve this dignity by large salaries, splendid dresses, and other appendages of pomp and splendor. But if an Episcopacy has neither the dignity which arises from these worldly trappings, nor that infinitely superior dignity which is the attendant of labor, of suffering, of enduring hardship for the cause of Christ, and of a venerable old age, the concluding scene of a life devoted to the service of God, it instantly becomes the disgrace of a Church, and the just ridicule of the world." (Notes on Discipline, pp. 42–44.)

2. The General Conference is the court of

original jurisdiction in the case of an accused Bishop, and may expel him "for improper conduct, if they see it necessary."*

"When the General Conference takes a minister from the Annual Conference, by electing him a Bishop, he is no longer responsible at the bar of his Annual Conference, but they make him responsible to the General Conference, not only for his official acts, but for his ministerial and moral purity." (Debates of 1844.) In the Discipline of 1808 the question was asked, "To whom is a Bishop amenable for his conduct? *Answer.* To the General Conference, who have power to expel him for improper conduct, if they see it necessary." And this was the law from 1784. "Improper conduct in our Discipline," says Bishop Hedding, "means a small offense below a crime. And though the preachers and private members may be expelled for that kind of offense when it is persisted in after repeated admonitions, yet no one but a Bishop can be expelled for the first improper act of that character. And if a Bishop be expelled, he has no appeal."

3. The Committee on Episcopacy, one of the standing committees of the General Conference, is made up of one delegate from each Annual Conference, chosen by the respective delegations. To this committee any preacher or member has access, with any complaints he is pleased to prefer. The private and official conduct of each one

* Chapter IV., Sec. i., Par. 2.

of the Bishops, for the four years next preceding the session, is referred to this committee, and their duty is to present to the Conference any thing they find exceptionable. As the traveling preachers annually, so the Bishops quadrennially, are subjected to the passage of character on the inquiry, Is he blameless in life and official administration?*

"And seeing the Church has intrusted Superintendents with important powers, it is admitted this provision is wise and prudent; only it may be doubted whether a Bishop ought not to be furnished with notice, and allowed to be present when any complaint is about to be preferred against him; for though a *bill* may not be found against him, so as to bring the question before the Conference in his presence, yet the complaint itself, with the statements accompanying it, may make impressions on the minds of some of the committee which may injure the Bishop during life." (Hedding on Discipline.)

4. From an early day, in the discipline of our Church, a distinction was made between "improper conduct" and "immorality," and a rule was made for the arrest of an immoral Bishop, "in the interval of the General Conference."

In 1804 the Discipline, after saying that the General Conference "have power to expel" a Bishop "for improper conduct, if they see it necessary," added the following: "What provision shall be made for the trial

* Ref. Chapter I., Sec. i., Par. 6; Chapter II., Sec. i., Par. 2, 3.

of a Bishop, if he should be accused of immorality in the interval of the General Conference?" And the answer provides for a committee of nine, by whom the accused, if found guilty by a two-thirds' vote, could be suspended till the ensuing General Conference. Thus the law stood till 1854. This "trial" by the committee of nine was limited to *suspension* till the body met having original jurisdiction, and is analogous to the investigation of the committee in the case of an accused traveling preacher in the interval of the Annual Conference. To the General Conference was reserved the right of arrest or trial upon a charge of "improper conduct," or of trial and expulsion, upon a charge either of immorality or of improper conduct.

5. Bishop Soule said before the General Conference of 1844: "It affords me great consolation this day to stand, at least in the judgment of this body, to which I hold myself responsible, and before which I will always be ready to appear to answer any charge they shall prefer against me—I say, it affords me gratification to have stood acquitted for twenty years in the discharge of the high trust committed to my hands. I had understood, from the beginning, that special provision was made for the trial of a Bishop. The Constitution has provided that no preacher, no person, was to be deprived of the right of trial, according to the forms of Discipline, and of the right of appeal. It seems

to me that the Church has made special provision for the trial of a Bishop, for the special reason that the Bishop has no appeal."

It has been attempted to conform the trial of a Bishop to other trials, so as to give him the benefit of appeal. A new court was constructed, or rather an old court of investigation was invested with new powers. Among these were—(1) To try and suspend an accused Bishop, in the interval of the General Conference, for imprudent or immoral conduct. (2) To expel him. (3) To acquit of a charge, so that its sentence might be pleaded in bar of arraignment before the General Conference for the same offense. (4) On appeal, that court is confined, in finally deciding the case, to "the evidence furnished in the minutes of the trial before the inferior tribunal."

It may be doubted, (1) Whether a tribunal of original jurisdiction can thus transfer its powers to an inferior tribunal. (2) Whether the accommodation sought does not put the trial of a Bishop more out of analogy with our jurisprudence, than the single point to be rectified. (See Chap. IV., Sec. 2; Chap. V., Sec. 3.) (3) Whether the law of 1808 needs to be changed, since the introduction of lay delegation into the General Conference, by which the composition of the court has been changed. The danger apprehended from a single house, unchecked, is lessened by the fact that the court, as now constituted, may, upon occasion, be virtually resolved into two houses, and the concurrence of both is necessary to a sentence against an accused Bishop. This may be considered as an equivalent to the right of appeal.

CHAPTER VI.

COURTS OF REVIEW.

SEC. I.—MALADMINISTRATION.

1. THE right is constitutionally secured to members and ministers of this Church, of having the adverse sentence of a primary court reviewed by a higher one, and thus of obtaining relief by the correction of errors in the officers or triers of the inferior tribunal. Courts of appeal are arranged accordingly.

2. Maladministration may be found against a ministerial or judicial officer, with or without blame; it may or it may not infer moral obliquity. In the first case, it is sufficient to correct the administration; in the second, not only the administration must be corrected, but the administrator ought to be censured.

Male, (Latin,) meaning *ill*, or *bad*. *Maladministration*—bad management of business by an officer; ill conduct in performing public duties prescribed by law; not done according to rule.

3. A traveling preacher is amenable to the

Annual Conference on a complaint for maladministration. When he has been judged guilty, reproof or suspension is the highest censure which can be inflicted.

4. When it is decided that a pastor has been guilty of maladministration in receiving or expelling a member contrary to rule, this decision has the effect of restoring the member so expelled, but not of excluding the member so received.

Those who receive, in good faith, the pastors sent them, and are governed by their directions, must not suffer for it. Ecclesiastical rights acquired by the official act of accredited agents cannot be repudiated to the injury of any, while redress must be given to any who have been injured by them.

5. The finding of maladministration against a preacher in charge, in the process of expelling a member, does not have the effect of restoring his character, but simply his membership. He is placed in the position occupied before his trial—that is, he is an accused member under charges, and must be dealt with as such.

6. The question, "What is the law in the case?" which arises in the inquiry whether there has been maladministration or not, must be decided by the President of the Annual Conference. But it is for the Conference to apply the

law to the case in hand. Has the preacher acted contrary to the law, or without law? Was his maladministration excusable, or was it due to culpable ignorance, to carelessness, to prejudice, or passion, or a purpose to gratify personal animosity? It is for the Conference to settle these questions, and also what censure, if any, is to be awarded.

7. When an Annual Conference decides that a Presiding Elder has been guilty of maladministration in "all and singular," the proceedings of a Quarterly Conference, by which an ordained local preacher was deprived of his credentials, the effect of such decision operates a nullity on the trial, and leaves the appellant, in regard to membership and office, where he was before the trial begun.*

SEC. II.—APPEALS.

1. An appeal is a removal of a cause, already decided, from an inferior to a superior court. It is allowable only where judgment has been rendered and submitted to, and to the party against whom it has been rendered. As it is a constitutional provision, much margin should be

* College of Bishops, 1861.

allowed it, and no application for a rehearing on appeal ought to be rejected unless upon good grounds. The appellate court, of course, must have some discretion, and is not obliged to entertain every appeal that is presented. This "privilege," though it cannot be done away, must nevertheless be defined and regulated in its operation.

2. The appeal must be not only from the lower to the next higher court, but to the next ensuing session of it. An appeal of a member is to the next ensuing Quarterly Conference, of a local preacher to the next ensuing Annual Conference, of a traveling preacher to the next ensuing General Conference.

3. That an appeal may be entertained, it is required that notice be given to the court below within a certain time. It is highly proper, also, that the appellant should not only signify his intention to appeal, but at the same time the grounds on which he appeals.

4. Any material irregularity in the proceedings of the court below—declining to admit important testimony, hurrying to a decision before the testimony is fully taken, or the discovery of new, material testimony, a manifestation of prejudice in the case, or mistake or injustice in

the decision of the presiding officer or the triers, are all proper grounds of appeal.

5. An appellant may ask and obtain redress or relief in the following respects: On a rehearing, the decision of the court below may be reversed upon the merits of the case; or, for cause shown, the trial may be set aside, and the matter sent back for a new trial.

6. When, under the proper forms of law, the appellate court is convinced that wrong has been done to the appellant, and a decision issued unjustly to his damage, through ignorance, or passion, or prejudice, the decision should be reversed. In this case, the appellant is reïnstated in his former membership and character, without any action of the court from which he took the appeal.

7. When the case is remanded for a new trial, it should proceed as though no trial had previously been held. There must be a new citation of the party, hearing of witnesses, and rendering of judgment. New charges and specifications may be added to the bill of indictment, old ones may be withdrawn; and those conducting the second trial are expected to profit by the miscarriage of the first. "It would be," says Bishop Hedding, "a flagrant proceeding for the

adjudicating body, when a case is remanded for a new trial, to reëxpel a member on a verdict of guilt, rendered at a previous trial, without a new hearing of testimony."

8. The court appealed to, and not the court appealed from, judges whether the party has a right to appeal. A person who was tried and censured in his absence, and regarded as evading a trial, may be able to show to the appellate court that his absence from the trial was not designed, not a fault on his part, not contumacious. If a majority are convinced that he did not designedly evade a trial, the appeal should be entertained.

9. The appeal does not suspend the *operation* of the decision or sentence appealed from, but only its finality. An expelled member, says Bishop Morris, though he takes an appeal, cannot enjoy any privileges of Society, until the sentence is reversed by the Quarterly Conference. And if the quarterly report is made before the appeal has issued, the preacher in charge must include him among those expelled from the Church, with a notice of his pending appeal; and if the decision is reversed, the preacher in charge should state the fact of his restoration by the Quarterly Conference.

10. Appeals may be from legal decisions of presiding officers, or from sentences of Church-courts; they may be taken on questions of law or of fact.

11. Appeals of the first kind are from the preacher in charge to the Presiding Elder, from the Presiding Elder to the Bishop, from the Bishop to the College of Bishops; of the second kind, from the select committee or Society to the Quarterly Conference, from the Quarterly Conference to the Annual Conference, from the Annual Conference to the General Conference.

12. Mode of conducting an appeal before a Quarterly Conference:

(1) A statement or communication from the appellant, setting forth his appeal, and the grounds of it.

(2) The charges and specifications, and the judgment of the court below, are heard.

(3) Deciding whether or not to admit the appeal.

(4) If admitted, reading the records of the trial.

(5) The appellant, by himself or counsel, is heard.

(6) The court below, by its representative, replies.

(7) The appellant closes.

(8) The appellant retires, and the Conference decides the case.

13. The appeal must be tried on the minutes and records of the lower court; no other evidence is admissible. If the appellant alleges

that he has in his possession new testimony which was not before the lower court, and which, in his opinion, would exculpate him from one or more of the charges on which he was condemned, the case may be remanded for a new trial. While such provision is useful in securing justice and equity at the last, appellate courts should be careful of acting on it, and thus throwing back upon inferior courts cases for repeated trial, which they have once disposed of, thus subjecting them to the trouble and disturbance usually connected with such ordeals. Inquiry should be made, and satisfactorily answered, as to the nature of the new testimony, and why it was not forthcoming at first. A new trial should not be granted on account of new evidence of a mere cumulative sort.*

14. When the record upon which the appeal must be conducted is defective—as for instance, important papers referred to are not sent up, or the minutes of the trial below are found defective, the appeal should be entertained nevertheless. To refuse to entertain it might work injustice to the appellant, who is not responsible for the minutes.

"But, as in the appeal of a traveling preacher to the

* Ref. Journal Gen. Conf., 1840, p. 77.

General Conference, and that of a local preacher to the Annual Conference, the trials proceed on the minutes of the evidence in the preceding trials; so, it appears to me, consistency requires we should proceed in such cases in the Quarterly Conference. But should it be found that accurate minutes have not been taken in the trial before the Society, or the select number, the case should be referred back for a new trial; that those who did their work carelessly at the first, may have an opportunity of doing it properly, and of being admonished to avoid such errors afterward. More especially this course should be taken to give the appellant ample means of obtaining justice." (Hedding.)

15. Mode of entertaining an appeal in an Annual Conference:

(1) A statement or communication from the appellant, setting forth his appeal, and the grounds of it.

(2) The charges and specifications, and the judgment of the court below, are heard.

(3) Deciding whether or not to admit the appeal.

(4) If admitted, the case is sent before a committee, as provided in the Discipline.

16. "The person or persons who may enter a complaint against a member of an Annual Conference, and not sustain such complaint, cannot be admitted to appeal; and the General Conference can have no appellate jurisdiction in such case." *

* Ref. Journal Gen. Conf., 1832, p. 415.

This principle here recognized obtained in the higher courts some time before it was the rule in the primary court of the Church. The accused only has the right of appeal. As the old English law has it, "The crown cannot appeal." Contrary to this, the following rule was introduced into the Discipline in 1800, under the section for the trial of members, giving the Church the right of appeal from its own court. It retained its place until by the General Conference of 1854 it was stricken out—"Nevertheless, if in any of the above-mentioned cases the minister or preacher differ in judgment from the majority of the Society, or the select number, concerning the innocence or guilt of the accused person, the trial in such cases may be referred, by the minister or preacher, to the ensuing Quarterly-meeting Conference."

17. When it is found, on complaint of maladministration against a preacher, that he erred in judgment simply, and the Annual Conference passes his character without giving reproof or fixing censure upon him, an appeal cannot be entertained. But if his character has been impeached, his motives impugned, or a censure has been administered, the case may be appealed.

May 17, 1840.—"On motion of D. Ostrander, the Conference resolved to suspend the regular order of business to take up the appeal of Silas Comfort. The appeal was taken up. A letter from the appellant was read, as were also the Journals of the Missouri Conference in relation to the case. Bishop Roberts

decided that the appeal ought not to be entertained by the General Conference. Moved by Ezra Robinson, that the appeal be entertained. Carried. G. Peck appeared as representative of the appellant, and addressed the Conference in his behalf, and in favor of the appeal. A. Munroe, T. Johnson, and J. Green, delegates from the Missouri Conference, followed in reply, and argued to sustain the decision of the Conference in the premises. G. Peck responded, and concluded the argument in behalf of the appellant." (Journal, p. 57.) After an unusual amount of parliamentary movement, in which much interest in the subject and on collateral questions was manifested, the General Conference reconsidered its action in entertaining the appeal, and on May 26 this motion of D. Ostrander was adopted: "Whereas, it appears from the Journals of the Missouri Conference, that no censure was fixed upon, nor reproof given to, Silas Comfort, in the vote of said Conference, but that he was simply found to have erred in judgment, and his character was passed without censure; therefore, after mature deliberation by the General Conference, be it Resolved, that the appeal of Silas Comfort be not entertained." (Journal, p. 81.)

18. In trying an appeal, the question should always come up on a motion to *reverse* the sentence of the court below, and never on a motion to *affirm* it. This last form of putting the question often leads to confusion; it is irrelevant, and should not be entertained by a pre-

siding officer. The decision of the court below is complete in itself, and stands, unless disturbed by the issue of the appeal. It does not need to be confirmed or affirmed, and any motion to that effect is out of order. None but the party seeking relief can appeal. He comes to have the sentence *reversed;* for this the appeal is entertained; the pleadings are for this. Though the word *reverse* has a negative sound as compared with *affirm*, yet it is, in this connection, really the *affirmative* proposition, and to be first submitted to vote. The court below, through its representatives, answers the appellant by arguments to show why his prayer should *not* be granted. It resists the motion to reverse. If this motion fails to be carried before the appellate court, and no other motion is made, of course the decision of the court below is a final adjudication, without any motion to that effect; and, in common parlance, we speak of it as *affirmed* by this result—that is, it was *not* reversed. The motions to reverse and to affirm, (if allowable,) are not, strictly speaking, equivalent, so that the negative of the one necessarily implies the affirmative of the other; for, after the motion to reverse has failed, another may be made for a new trial, and prevail.

The manner of putting the question to vote has sometimes thrown an appellate court into inextricable confusion, and worked injustice to those seeking relief.

An appeal having been admitted, the appellant states the reasons why his request should be granted. His request is, that the decision of the court below, by which he suffers, should be *reversed*. Holding the affirmative, he therefore opens and closes the discussion. This done, some one moves that the decision of the court below be affirmed—which is, in fact, to violate parliamentary rule, and to put the negative of a proposition first. The question is put. There is a tie vote. As a majority is required to carry a proposition, it is lost. The question is next put on a motion to reverse. The same tie vote. The Conference refuses to affirm or to reverse. Relief from the situation is sought in a motion to remand the case for a new trial. The same tie vote. There is a dead lock. Whereas, if the motion had been held to the only legitimate form—to *reverse*—and there was a tie, the chairman must have declared it lost. Not being reversed, the decision below is final, unless a motion is made and carried to remand for a new trial. This offers the appellant less than the first motion, which has failed; but it is one of the rights of which he ought not to be abridged. An appellate court that would not reverse a decision on the merits of the case, might yet see cause to order a rehearing. If the motion for a new trial meets the same tie vote, it too is lost. The appellant's remedy is at an end, and the case is disposed of. An appeal, if well drawn, generally covers

both points; and if the court does not grant the greater, then it prays for the lesser relief.

The most important appeal-case in the history of the Church illustrates some of the principles here involved. A member of an Annual Conference was, for cause which seemed to his brethren good and just, "suspended" until the next session, or until he should give to the Episcopacy assurance of his compliance with certain conditions. He appealed to the General Conference of 1844, and was represented before that supreme judicatory by one of the ablest constitutional expounders of the Church. The appellant's counsel opened and closed the argument. He concluded his remarks by asking the General Conference to "sustain the appeal, and release" the appellant "from the act" of his Conference "by which he stands suspended from the ministry. But if, after all, you should feel yourselves still in difficulty on any one point of argument or testimony out of which the foregoing conclusions arise, then let it be remembered that the reading of the Journal shows a manifest informality, while the face of the indictment itself is without all due form of law or usage, and well calculated to embarrass the decision. In view of this fact, the least the appellant has a right to expect is, that you should return him for a new trial."

The subject came up with the right presentation. John Early moved "That the act" of the Conference by which appellant "was suspended from his ministerial functions be, and the same is hereby reversed." The motion was lost by 56 to 117. "The chair decided that this vote virtually affirmed the action" of the Annual Conference. "W. Capers took an appeal from

the decision of the chair." The decision of the chair was sustained by 111 to 53. The lines had been drawn on the first appeal, and the same majority that settled it, was hardly in condition for an impartial vote on the appeal from the chair. The parliamentary rule stands, nevertheless, and the ruling of the chair was according to it, in the absence of *another motion*. But notice of it had been given. W. A. Smith, the counsel for the appellant, thereupon asked the privilege of spreading his protest on the pages of the Journal, for there were members on the floor, who, to his own knowledge, voted against the resolution of Mr. Early, because they thought the matter ought to go back to the Annual Conference. By the ruling sustained, the appellant had been cut off even from an application for this lawful remedy. (General Conference Debates, pp. 18, 51, 52; Journal, p. 34.)

19. The decision or action of an Annual Conference may not be appealed from by a member, unless he is under censure by its adverse judgment; nor can he claim the right to arraign his Conference before the General Conference and be heard as appellant. Neverthelesss, all the actions and decisions of Annual Conferences come before the General Conference as a court of general review. Their journals must be submitted to the General Conference, which has a standing committee to examine them, and has power to correct errors and irregularities, maintain uniformity, and censure any omissions or delinquencies in these subordinate tribunals.

CHAPTER VII.

CANONS OF TESTIMONY.

SEC. I.—OF WITNESSES.

1. The laws of evidence, by which a matter of fact is established, have been deduced from the wisdom and experience of ages. They are applicable to ecclesiastical as well as to civil courts. The administrator of discipline will therefore find them useful in judging righteous judgment, and he should have some knowledge of their general principles. All rules of evidence are adopted for practical purposes in the administration of justice and equity, and must be so applied as to promote the ends for which they were designed.

2. All persons of proper age and intelligence are competent witnesses, except atheists and such as do not believe in a future state of rewards and punishments. A civil tribunal would deem those incompetent witnesses who have been made infamous by perjury and other flagrant crimes; nor should they be listened to in an

ecclesiastical court, unless their statements are corroborated by collateral facts, or their characters have been reformed.

3. Either party has a right to challenge a witness whom he believes incompetent. The presiding officer determines his competency, but it belongs to the jury to judge of the degree of credibility to be attached to all testimony.

4. No relationship disqualifies a person from testifying for or against another. The court will not lose sight of character and circumstances in any case, in determining what weight should be given to evidence.

5. Leading questions are not allowed by a party in the examination of his own witness—a leading question is one which suggests to the witness the desired answer. As, *Did you not see A—— in B—— on Christmas-day?* But leading questions are allowable in cross-examination, and in the direct examination where the witness is evidently unfriendly to the party introducing him.

This rule is designed to guard truth and fairness from collusion between a party and his witness. Influenced by friendship or other considerations, a witness may, possibly, consent to lend himself to make up such a case as is wanted by those in whose favor he is called. A hint as to the answer that would be agree-

able, may unconsciously influence him more than his recollection of the facts. Guided by leading questions, a willing and pliant witness, skillfully handled, might furnish, or contribute to, a system of evidence very different from that which would be furnished by his independent, unprompted statement. But between this witness and the opposite party a mutual understanding is not presumed to exist, and he is allowed in cross-examination to get at the truth as best he may. The same holds good when a witness turns out to be unfavorable, not in his testimony, but in his spirit and temper, to the party that introduced him.

6. The age at which children may be allowed to testify, cannot be arbitrarily fixed. Much depends on natural intelligence, education, and mental development, and sensibility of moral obligations. At the age of fourteen it is presumed that every person is competent, until the opposite is shown. Some have been admitted as early as five years old to testify in civil courts.

7. Every witness in an ecclesiastical court is under the strongest moral engagement to tell the truth, the whole truth, and nothing but the truth, according to the best of his knowledge, in the matter concerning which he is called; but he ought not to be put on oath: it can do no good. Such oaths are extrajudicial. To swear falsely before a court not authorized to administer an oath, is not, in *legal* technicality, perjury.

8. The positive testimony of more than one witness is necessary to destroy the character of a member who meets it with a denial; yet, if circumstantial evidence conclusive of the same general charge be produced in corroboration, the guilt of the accused may be established before a candid and intelligent tribunal.

Evidence consists either of positive or presumptive proof. The proof is positive when a witness speaks directly to a fact from his own immediate knowledge; and presumptive, when the fact itself is not proved by direct testimony, but is to be inferred from circumstances which either necessarily or usually attend such facts. The latter is also called circumstantial evidence.

9. Witnesses in general must testify to facts within their knowledge; but in some cases they are called on to state their opinion or belief—as the testimony of medical men, whether death could be produced by certain causes; or of experts, as to the handwriting of a person which is in question.

10. Common law forbids that a party should testify in a suit where the verdict would, in effect, be for or against himself, and this principle is applicable to Church-courts. If the witness has no other interest in the case than is common to all members of the Church, he is not disqualified.

11. A member of the court may testify as a witness without being disqualified thereby for sitting as a juror. But, in the trial of a member, if the pastor is a principal witness against any of his flock, the Presiding Elder should make another minister preacher in charge and president of the trial. It is not expedient that the same person should be both judge and witness.

12. Evidence of the good character of a witness is inadmissible when his general character for veracity has not been directly impeached, even though an attempt is made to prove facts inconsistent with his statements.

13. A witness is directly impeached when his general reputation for veracity is questioned. In such case, particular facts should not be admitted in testimony, but only evidence of his general character for truth. The reason is, that every man may be supposed capable of supporting his general character; but it is not likely he should be ready to answer to particular allegations, without notice.

14. A party cannot be permitted to produce *general* evidence to discredit his own witness. "This would enable him to destroy the witness, if he spoke against him, and to make him a

good witness if he spoke for him, with the means in his hand of destroying his credit if he spoke against him."*

The meaning of this rule is, that a party calling a witness, and finding his testimony unexpectedly unfavorable, cannot impeach the witness by proving him to be of such a bad character as to be unworthy of credit. But if a witness state facts against the interest of the party that called him, another witness may be called by the same party to disprove or correct the statements. The last witness is called to correct some supposed misstatement or to rectify an error: the object is not to discredit the first witness, and the impeachment of his credit is incidental only and consequential.

15. A member of this Church cannot be allowed to be impeached as a witness, but the facts stated by him may be disproved by the testimony of other witnesses.

16. When the crime is alleged to have been committed in the absence of any other party or parties competent to give testimony, the statement of both the accused and the accuser must be taken, and the committee before whom the case is brought for trial, must give both statements whatever weight they deem them entitled to, in rendering their verdict for guilt or innocence. (Discipline.)

* Philips on Evidence, Vol. I., p. 308.

17. The records of any regular Church-court, whether of investigation or of original jurisdiction, if properly authenticated by the Secretary and President, should be received in evidence in any other Church-court.

18. A difference between witnesses on points of little importance, affords no reason to suspect their veracity. These variations in testimony occur every day in the transactions of life, and may be explained on the commonest principles of human nature. Men relate facts as they see them from their point of view, and as they remember them; and the powers of observation and memory are different. It is too exact a coincidence among witnesses in minute particulars that excites suspicion of collusion and contrivance. It would be impossible to establish the truth of any material fact, if a disagreement of witnesses in minute points should be considered as annihilating the weight of their evidence on points of importance.

19. The circumstances of the case, the probable or improbable nature of the facts detailed, the character of the witness, the manner of his giving testimony, must all be taken into consideration, and ought, after being weighed, to carry conviction to the minds of the jury before they

give the testimony an effect by their verdict. "Should a witness relate a fact which, from its improbable nature, or from the badness of the character of the witness, taken together with the circumstances in the case, on due consideration, does not carry a belief of the fact home to the minds of the jury, but, on the other hand, they believe what the witness hath related is false, in that case what he has said is no evidence to them, and they are not bound to give any weight to it; but on the contrary, if they act upon it, or rather, make up their verdict upon it, such conduct is a departure from their duty, and little short of a violation of their oath."*

20. It has been a rule of this Church since 1792 that "witnesses from without shall not be rejected." Members of other Churches, and those persons who are not members of any Church, if of reputation for veracity, are competent to testify in any Church-court.

21. It is the character of witnesses and the character of their evidence, and not their number, that ought to prevail. The number of witnesses is not more conclusive on a subject of proof than the number of arguments is on a subject of reasoning.

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* Chief Justice Pennington.

SEC. II.—EVIDENCE.

The production of evidence is governed by certain principles, which may be comprehended under four heads:

I. The first is, that the burden of proving a proposition or issue lies on the party holding the affirmative.

(1) No person is required to explain or make defense until enough has been proved to warrant a reasonable conclusion against him, in the absence of explanation or contradiction.

(2) The obligation of proof lies on the party making the allegation. It is generally sufficient to oppose a simple denial until evidence is adduced. As the party in the affirmative is entitled to open and close the argument, he must bring forward his evidence before any defense is made. It may be impossible to prove a negative, but he who affirms a complaint or charge, must make it out.

II. The evidence must correspond with the allegations, and be confined to the point at issue.

(1) Irrelevant facts tend to draw away the mind of the court from the point in issue, and are unjust to the accused, since he cannot be supposed to have prepared himself to meet any thing except what is contained in the bill of in-

dictment. Frivolous and irrelevant questions to witnesses should be ruled out.

(2) A judicious presiding officer will not too rigidly construe this rule. It does not require that the evidence offered should bear *directly* on the case. It is admissible if it tends to prove the issue, or constitutes a link in the chain of proof, although alone it might not justify a verdict in accordance with it.

III. It is sufficient if the substance only of the allegation or issue is proved.

(1) In a bill of indictment, the specifications are sometimes drawn out with needless particularity, and if the court is not judicious as well as conscientious, a proceeding instituted to protect public morals may be balked by its very carefulness. The civil law makes a distinction between allegations of matter of *substance*, and allegations of matter of *essential description*. The latter must be proved with literal precision, but it is sufficient if the former be substantially proved. Ecclesiastical trials generally turn upon the matter of substance. For instance: if, in an action for malicious prosecution, the plaintiff alleges that he was acquitted of the charge on a certain day, here the *substance* of the allegation is the acquittal; and it is suffi-

cient if this be proved on any day, the time not being material. If the subject is divisible, and enough is proved to constitute an offense, it would be deemed sufficient, both in a civil and ecclesiastical court, that one part merely was proved. Thus an indictment for stealing two notes of equal value would be sustained if the evidence only proved that one note was stolen, or that two were stolen, but of different values.

(2) Where the subject is indivisible, as for example, the consideration of a contract, a variance between the proof and the allegation is fatal. The conditions of a contract are material, the descriptions are essential, including the time, manner, and circumstances of it. The entire consideration must be stated, and the entire act to be done in virtue of such consideration; and with all the parts of the proposition thus stated, the proof must agree.

(3) There is a material distinction to be observed between redundancy in the allegation, and redundancy in the proof. In the former case, a variance between the allegations and the proof is fatal, if the redundant allegations are descriptive of that which is essential; but in the latter case, redundancy cannot vitiate, because more is proved than is alleged.

IV. The best evidence of which the case, in its nature, is susceptible, must always be brought forward.

(1) This rule forbids the reception of that evidence which is merely substitutionary in its nature, so long as the original can be had. It excludes that evidence which itself indicates the existence of more original sources of information in the possession of the party, and is adopted for the prevention of fraud. Oral testimony cannot be substituted for documentary, when the documents may be procured. The best proof of the contents of a contract, or letter, is the document itself. But where a party, withholding this, offers to prove the contents or nature of the document by witnesses, his design is sinister. He fears the document will frustrate him by its whole truth. Where there is no suppression or substitution of evidence, but only a selection of weaker instead of stronger proofs, or an omission to supply all the proofs capable of being produced, the rule is not infringed.

(2) Until it is shown that the production of the primary evidence is out of the party's power, no other proof is, in general, admitted.

SEC. III.—HEARSAY EVIDENCE.

1. The term *hearsay* denotes that sort of evi-

dence which does not derive its value solely from the credit to be given the witness himself, but rests also, in part, on the veracity and competency of some other witness. It is universally held by the civil law as insufficient to establish any fact which can be proved by living witnesses. "If the first speech were without oath, another oath that there was such speech, makes it no more than a bare speaking, and so of no value in a court of justice." In the following cases it may be received:

(1) Declarations made by persons, since deceased, and against the interests of the persons making them at the time they were made.

(2) Dying declarations of sane persons, made under a sense of impending death.

(3) The testimony of deceased witnesses given in a former action between the same parties, and on the same case.

2. That sort of second-hand evidence termed hearsay is open to many objections. It is found indispensable as a test of truth, and to the ends of justice, that every living witness—aside from speaking under the obligations of oath, expressed or implied—should, if possible, be subjected to the ordeal of a cross-examination, that it may appear what were his powers of perception, his

opportunities for observation, his attentiveness in observing, the strength of his recollection, and his disposition to speak the truth. But testimony from the relation of third persons, even where the informant is known, cannot be subjected to this test. Nor is it often possible to ascertain through whom or how many persons the narrative has been transmitted, from the original witness of the fact. When we reflect upon the inaccuracy of many witnesses, in their original comprehension of a conversation; their extreme liability to mingle subsequent facts or contemporary statements with the original; the impossibility of recollecting the precise terms used by the party, or of translating them by exact equivalents, we must conclude—even in the absence of corruption and fraudulent intent—that there is little if any substantial reliance upon this class of testimony.

3. It does not follow always, because the words in question are those of a third person, not under oath, that therefore they are to be considered hearsay, and inadmissible as proof. On the contrary, it often happens that the very fact in controversy is whether such words were spoken, and not whether such words were true—as in cases of slander, blasphemy, false-

hood, and evil-speaking—or other cases, where words spoken may be natural concomitants of the principal fact in controversy. In all such cases, words heard and testified to are not within the meaning of hearsay evidence, but are original and independent facts, admissible in proof of the issue.

SEC. IV.—CONFESSIONS.

1. Deliberate confessions of guilt are among the most effectual proofs. Their value depends on the supposition that they are voluntary, and on the presumption that a rational being will not make admissions prejudicial to his own interest and character, unless urged by the promptings of truth and conscience.

2. Confessions are divided by the law into two classes—*judicial* and *extrajudicial*. Judicial confessions are those made in court in the course of trial, or the plea of guilty in response to an indictment. Extrajudicial confessions are those made by the party elsewhere than before the court of trial; and this term embraces not only express confessions of crime, but all those admissions from which guilt may be inferred. All confessions of the latter kind are receivable in evidence, being provable like other facts, to be

weighed by a jury. But it should not be forgotten that extrajudicial confessions, uncorroborated by other proof, have some of the vicious qualities of hearsay evidence, and are not entitled to a high rank in evidence.

3. In the proof of confessions and admissions made by the accused party, the *whole of what he said* should be taken together, and not a part only. If after the whole statement is given in evidence, the prosecutor can contradict any part of it, he is at liberty to do so. All the parts of a confession may not be entitled to equal credit. The jury may believe that part which is against the accused, and reject that which is in his favor, if they see sufficient grounds for so doing.

SEC. V.—DEPOSITIONS.

1. Whenever practicable, witnesses should give their testimony in the presence of the court; but, inasmuch as ecclesiastical judicatories have no power to compel their attendance, it may become necessary to take depositions.

2. If there is ground to suppose that the attendance of an important witness cannot be had on the trial, it is proper for either party to apply to the Church-court, if in session; or, if not, to the President thereof, who may appoint some

judicious person a commissioner, or act as such himself, to take the deposition of such witness; of which commission, and of the time and place of its meeting, due notice must be given to the opposite party, that he may have an opportunity of attending. Depositions should be rejected if it appear that the opposite party had not due notice and opportunity to be present.

3. After the direct testimony of the deponent is written, the party applying for the commission is allowed first to examine him; and then the adverse party may cross-examine him. After which, either party may propose such other interrogatories as the case may require.

4. If any question is objected to by either party, as being leading, or irrelevant, or hearsay, or relating to matters of opinion, this should be noted under the question, and previous to the writing of the answer.

5. After the deposition is written, it should be read to the deponent, and signed by him. A note should be appended, stating the reason of its being taken, and whether the adverse party was duly notified, and attended.

6. Depositions should be immediately sealed up by the commissioner, and remain sealed until opened before the court.

CHAPTER VIII.

RULES OF ORGANIZATION.

1. A CONFERENCE is organized when it is provided with suitable officers, as organs or instruments of action. Every deliberative assembly needs at least a presiding and a recording officer—one to keep order, and see that all business is brought forward and dispatched in a regular manner; the other to keep a journal of what is done. These officers are usually denominated President and Secretary.

2. Most Church-assemblies are in part organized on meeting. Some one is empowered, *ex officio*, to act as President. Whether permanent or *pro tem.*, the presiding officer, in completing the organization of a Conference, should entertain no motion that is not strictly germane to this business. It is primary and paramount. No Conference can properly enter upon any business until it is organized.

The manner of organizing the first delegated General Conference was: Bishop Asbury, the Senior Superintendent, in the chair, conducted the opening

religious service. A Secretary *pro tem.* was then appointed. The several Annual Conferences were called, and delegates presented their certificates of election, which were read by the Secretary. The roll having been completed, and the number present ascertained, the General Conference adjourned, and on next day completed its organization by the election of a permanent Secretary. In 1844, at 9 A.M., May 1, Bishop Soule took the chair, and opened the Conference by reading the Scriptures and hymn. "Brothers Pickering and Capers called upon God in prayer." "The Secretaries of the last General Conference were then requested to assist in organizing the Conference. The chair called the different Annual Conferences in order;" and the delegates "presented to the Secretaries their certificates of election," and the roll was made up. Having ascertained a quorum to be present, the General Conference proceeded to the election of a Secretary and assistants. In 1866 the session was opened by Bishop Andrew. "The Secretary of the last General Conference called the list of the Annual Conferences," and delegates presented their vouchers of election; after which the Secretary was elected. More than once the Secretaries of the General Conference have not been members of that body.

3. If a quorum be not present, the organization cannot be perfected; nor can business subsequently be proceeded with when the members present are reduced below a quorum. The presiding officer must suspend business immediately when notice is taken that the number present

has fallen below a quorum. A smaller number than a quorum may adjourn from time to time.

4. An Annual Conference has no quorum: any number of its members, met at the time and place appointed, are competent to organize and proceed to business. But, as a portion of its membership is elective, and these have a right to participate in the organization, the names of those present must be recognized and enrolled before the Conference organization can be completed.

The usual manner of organizing an Annual Conference is this: The President in the chair, after suitable religious service, requests the Secretary of the last session of the Conference to call the roll of clerical members. In his absence, a Secretary *pro tem.* is appointed, generally by nomination and election. The Districts are then called, and the Presiding Elder of each presents the names and certificates of the four lay delegates elected. They are enrolled, the absent as well as the present. Having ascertained its membership, the Conference proceeds to finish its organization by the election of a Secretary. This done, it is ready for business. The names of reserve delegates who are present and propose to take part in the organization, should be announced and vouched for after the names of principals have been entered and their absence declared. If reserve delegates subsequently arrive, they are admitted by announcement and consent, without a vote, unless opposition be made. If they retire upon

the coming of their principals, the act must be duly notified to the Conference, and the Journal should show it.

In the absence of a Bishop, the organization is by temporary officers. At the proper time, the Presiding Elder of the District in which the Conference meets, or some other member of age, calls to order and nominates a traveling elder as President *pro tem.*, putting the question on his own nomination, and announcing the result. If other nominations, in addition to his own, are made, the names should be submitted by him to the Conference in the order in which they are nominated. When a majority of votes is given for any one, he should be declared elected, and invited to the chair, without voting on the other names. The President *pro tem.* having taken the chair, conducts the religious service of the occasion, or calls upon some competent person to do so. A Secretary *pro tem.* is appointed, and the roll of members made out; after which a permanent President is elected by ballot from among the traveling elders, who at once takes his seat, and the organization is completed by the election of a permanent Secretary.

5. The Quarterly Conference is not elective, in whole or in part, as are the General and Annual Conferences. Its members are such, *ex officio*. Its President is designated by office, and never voted for. With the election of a Secretary, its organization is finished. Its roll-call should consist of the members belonging to the body, and not merely of those present.

CHAPTER IX.

RULES OF ORDER.

SEC. I.—PARLIAMENTARY CODE.

1. Every deliberative body must be governed by some rules. If it has none of its own, it is of necessity placed under those which have been established by usage. It can, however, after organization, adopt special rules for its own government. What is known as parliamentary law is the code governing every enlightened assembly having no rules of its own.

2. There are certain principles and forms of proceeding and of question, which are of universal application, and by which all deliberative bodies are more or less controlled: these constitute the Parliamentary Code. For example, all members have an equal right to submit propositions, and to explain and recommend them in discussion; all questions must be decided by a concurrent vote of the majority, etc. There are forms of proceeding pointing out the manner in which subjects are to be introduced, the way in which

a member may exert his influence for or against a measure, and the shapes which, for the convenience of discussion or decision, a proposition may be made to assume. And there are forms of question by which pending propositions may be deferred, or modified, or suppressed. These forms are convenient, as circumstances may call for their employment. They have been found useful instruments to an assembly for ascertaining the opinions of its members, for maturing and announcing its convictions, for expressing its wishes, or for executing its designs; and all may be done in order and fairly, with dignity, good temper, and economy of time.

SEC. II.—DUTIES OF THE PRESIDENT.

1. The duties of a presiding officer are the following:

(1) To call the members to order at the appointed time.

(2) To conduct the opening religious service, or appoint some suitable person to do so.

(3) To direct the roll to be called at the opening of each session, unless otherwise ordered, and have the records of the previous session read, corrected, if necessary, and approved.

(4) To call up the business, in order. When

no order of proceeding has been prescribed, the President may present or entertain any business that, in his judgment, should come before the body. In an Annual and Quarterly Conference, the regular questions are brought forward by disciplinary authority, and at his discretion, as to time and circumstances.

(5) To entertain all propositions, made in order; to put to the vote all questions that may properly arise, and declare the result; to enforce order and decorum in debate; to decide all questions of law; to give the floor to the one entitled to it when two or more rise and claim it about the same time; to give information when referred to on points of order; to appoint committees when directed in a particular case, or when a regulation requires it; and to authenticate, by his signature, all acts and proceedings of the assembly.

2. All messages and communications addressed to a Conference should be received and opened by the President thereof, and by him announced. These communications should constitute the first item of business.

3. The harmony and dignity of an assembly depends much upon its presiding officer—his decision and firmness, his self-possession, his im-

partiality, and his knowledge of the principles and practice of parliamentary law. It may be laid down as a rule, that with an incompetent presiding officer, a body will be disorderly in proportion to its intelligence. Questions will become complicated, and members, perceiving the mistakes of the chair and the disastrous influence of his decisions upon the measures they support, will attempt to correct him; and all contested points of order, before a presiding officer who does not know what order is, will make confusion worse confounded.

4. Not only do all written communications reach the assembly through the President, but personal and verbal ones also. If any agent wishes to gain the attention of a Conference, or any visitor or fraternal delegate is to be introduced, the President should first be notified, and consenting to the arrangement. When a stranger is brought forward to the chair for the purpose of being introduced, or "invited to a seat within the bar," the President not having been previously consulted, it sometimes occasions unpleasant delays or interruptions; and the embarrassment is increased, if he be not a proper person to be introduced to that body.

5. He may propose what appears to him the

most regular and direct way of bringing any business to issue.

6. He should carefully keep notes of the orders of the day, and call them up at the times appointed.

7. He may speak to points of order in preference to other members, rising from his seat for that purpose, and decide questions of order subject to an appeal, without debate, by any two members.

SEC. III.—DUTIES OF THE SECRETARY.

1. The qualifications of a Secretary are system, diligence, quickness of apprehension, and ability to express ideas readily and accurately in writing. It is his duty—

2. To keep a correct record of the proceedings; to read all papers which may be ordered to be read; to preserve on file all documents and papers belonging to the assembly, allowing none to be taken from his table without a formal leave; to furnish the chairman of each committee with a list of all the members appointed on it, and a statement of the subject referred to it; to authenticate, by his signature, all the acts of the assembly. The Secretary, in reading and in calling the roll, stands.

3. When two or more Secretaries are appointed, the first named is chief—*the Secretary:* the others, in their order of appointment, are assistants. The Secretary, if a member of the body, loses none of his rights as such. He can make motions, vote, engage in debate, and in all other proceedings take part—though it will be found that, like the President, he contributes most usefully to the assembly by giving himself to the duties of his office.

4. As a rule, the Secretary should enter what is done and past—all measures voted upon, and not what is said or suggested. His record should be both a journal and a report of the proceedings. He should consider his duties discharged with a simple statement of facts. He should not deal in panegyric or rhetoric, criticising or praising persons or performances. Nouns and verbs are the staple of a good Secretary's style: he deals rarely in adjectives and adverbs.

5. The Journals of the Annual Conferences undergo the review and inspection of the General Conference, which has severely animadverted upon the careless and irregular way in which some of them are kept. And in view of securing uniformity, accuracy, and completeness in

these important Church-records, the Bishops have been instructed to supervise the Conference Journals, and to direct Secretaries to the requirements of the General Conference as to the manner of keeping them.

May 12, 1812.—Bishop McKendree in the chair. The Journal of General Conference reads: "The President asked if the Conference thought he had authority to give the Secretary orders to change some phrases in journalizing, provided there are no changes of the sense. It was said that the Rules of Conference made it his duty to examine and correct the Journal." (P. 108.) As to supervision of Annual Conference Records, see Journal of 1840, p. 107. The General Conference of 1866—"Resolved, That the Bishops be, and they hereby are instructed, to supervise the Conference Journals, to direct the Secretaries to the requirements of the General Conference as to the manner of keeping their Journals," etc. (P. 96, and Journal of 1854, p. 350.)

6. These requirements include:

(1) The penmanship should be open, plain, neat. Each *item* of business, for the sake of easy reference, should be recorded in a separate paragraph.

(2) Every page should be numbered. The heading of each page should give the date, and a margin should contain an index to the transactions recorded.

(3) Nothing can properly go to the page of the official Journal until it has been first read and approved as a true minute. An observance of this rule would save Conference-records from those interlineations and erasures that so disfigure and discredit them.

(4) All the acts of the Conference, of every kind whatever, in the consecutive order of their occurrence, should be recorded in the Journal, or in an Appendix; especially all complaints, charges, and specifications, with the decisions in all such cases; and also all reports of committees, resolutions, statistics, memoirs of deceased members, the appointments of the preachers, and whatever else enters into and constitutes a complete historical record of each Annual Conference.

(5) The names of the movers of resolutions should always appear upon the Minutes.

SEC. IV.—DUTIES OF MEMBERS.

1. Every member should feel personally charged with maintaining the dignity and order of the assembly; and this, not only while debate is in progress, but also when no one occupies the floor.

2. When the President takes the chair, no

member should continue standing, or afterward stand, except to address the chair.

3. Members should refrain from entering the house with their hats on; from moving from place to place or gathering into knots; from engaging in conversation; from passing between the speaker and the chair, and especially from private applications to the chair while a member is on the floor; from going to the Secretary's table to write thereon, or meddling with the books and papers on it.

4. No member should be interrupted while speaking, except by the chair to call him to order when he departs from the question, or uses personalities or disrespectful language. If, however, this disorder escapes the notice of the President, it is the right of any member to insist that the rules be enforced; and for this end he may call the attention of the President to the subject, and raise the point of order, interrupting, if necessary, the member alleged to be out of order. But this should be done in a tone and manner of the highest courtesy toward him who is interrupted. The one complaining of disorder is himself disorderly if his objection is frivolous, or if his manner tends to irritation.

5. No member should be present when a mo-

tion or resolution concerning himself is being debated; nor should any other member speak to the merits of it until he withdraws.

6. A member desiring to speak, or deliver any communication to the body, must rise and respectfully address the presiding officer. If he secures the recognition of the chair, he is said technically to "have the floor."

7. If two or more rise about the same time, he is entitled to the floor who was first up and first to address the chair. It is customary, when the contestants seem equal, to recognize the member farthest off. The President should promptly decide, and give the floor to the one he thinks entitled to it; and this decision is usually acquiesced in when that officer has the reputation of impartiality. If, however, through inadvertency, or willfully, any one is deprived of his right, he may appeal to the house. In that case, the question to be decided is, which of the contestants rose and addressed the chair first; and the vote is to be taken first upon the name of the member recognized by the chair.

8. If members intimate to the chair a desire to have the floor after the one occupying has yielded it, such intimation, by word or gesture, should always be disregarded. The President

can give the floor to no one, except in response to an address to himself by one who has risen to his feet. In like manner should his claims be disregarded who rises before the one speaking has finished. Such conduct is disorderly, and should prejudice, rather than advance, a member's claims.

9. Members sometimes permit others to interrupt them to explain, and otherwise to address the assembly, claiming still that they have the floor. This is liable to great abuse; for in this way a few persons may usurp the prerogative of the chair, and manage to give their party friends the floor to the exclusion of all others. Such compacts ought not to be recognized; and the chair should rule that the floor given up for one purpose of the kind, is relinquished for all.

10. While the President protects every one in his right to the floor, he must give it temporarily to a member who respectfully interrupts by addressing the chair, at least long enough to ascertain his object. He may have risen to a point of order, or a question of privilege, which cannot be made known unless he is recognized by the chair. When a member rises to interrupt, he should always state in advance that he rises to a question of order or of privilege; and having

obtained the floor, he is at liberty to use it for no other purpose than for that indicated when he claimed it.

11. A member who violates the rules of decorum, and persists in a course pronounced disorderly by the President, may be *named* by that officer; that is, he may declare that a certain member, calling him by name, is guilty of improper conduct. This is equivalent to his arraignment. He is entitled to be heard in his own defense, and must withdraw. The assembly then proceeds to inflict a suitable penalty, which may be a reproof, a prohibition to speak or vote for a specified time, or he may be required to ask pardon, on pain of expulsion. A deliberative body must have the power of protecting itself.

SEC. V.—MOTIONS, RESOLUTIONS, QUESTIONS.

1. The principal forms or instruments used by an assembly for disposing of matters brought to its notice, or for expressing its opinion, or taking action in any way desired, are *motions* and *resolutions*.

2. Without a *motion* no business can be set in operation; and by motions every thing is made to progress to the end. When a member wishes to get the sense or decision of the body on any

subject, and for that purpose offers a proposition for concurrence, he is said to make a motion.

3. No motion can be entertained unless it is seconded. The reason is, the time of an assembly is not to be consumed on any proposition that has not more than one advocate.

Such a remark as this—"I am opposed to the motion, but in order to get it before the house, etc., I second it"—is not a second, and the chairman should not recognize it.

4. No speech should be made unless on a motion, and no motion is open for debate until it has been stated from the chair.

A member can make but one motion at a time. It is an abusive proceeding to make a motion and at the same time move to lay it on the table or call for the previous question. In such a case, the President should entertain the former motion, and treat the latter as though it had not been made.

5. No motion is in order which is substantially the same with one the assembly has disposed of already, or is holding under advisement, having laid it on the table or referred it to a committee. In the latter case, having waited till the matter is again before the body, the mover can propose amendment.

6. Facts, principles, and purposes, are expressed in the form of a *resolution*. When a mem-

ber wishes to obtain the sense or opinion of the assembly on any matter, he submits his proposition in the form of a resolution, and moves its adoption. The *motion* is his; the *resolution*, if adopted, becomes that of the assembly. When being put to the vote by the President, it assumes the form of the *question*, because it must be decided affirmatively or negatively.

SEC. VI.—MOTION TO RECONSIDER.

1. When a question has been decided in the affirmative or negative, it is in order for any member who voted on the side which prevailed to move a reconsideration.

2. This motion does not bring the subject up for debate that has been acted on. A statement may be admitted of the reasons for reconsideration—as that members were absent on duty, or new and material facts have been developed, bearing on the main question.

Adroit politicians sometimes vote on the side of their opponents when a question is likely to be decided against them, for the purpose of moving a reconsideration. If such a motion brought up the main subject for discussion, then it might be in the power of a minority to renew discussion at will, and to make it impossible for a deliberative body to get a subject from before it and pass on to something else.

3. If the motion to reconsider prevails, the subject is before the assembly as it was when being voted on, and is open for discussion, amendment, rejection, or adoption.

4. It cannot be moved to reconsider a motion to lay on the table or to adjourn. The reason is, these motions, if lost, can be renewed, after the proper intervals; and what has been laid on the table can be taken up by direct vote. A motion to reconsider, if rejected, cannot be renewed.

SEC. VII.—THE YEAS AND NAYS.

1. The design of this method of taking the vote and recording it, is to hold members accountable to their constituents, and to secure the utmost care in disposing of questions of great importance. As it operates also as a protection to the minority, the yeas and nays may be called for by less than a majority of members. The rule of the American Congress requires it to be taken, if called for by one-fifth of those present. This method should be used cautiously in religious bodies, for it is not only tedious, but may perpetuate divisions that otherwise would be but temporary.

2. Whenever a member calls for the yeas and nays, the presiding officer says, "There is a call

for the yeas and nays: those in favor of the call will rise." If the requisite number rise, he says, "The yeas and nays are ordered: the Secretary will call the roll. As many as are in favor of the motion will, when their names are called, answer *Yes;* those opposed, will answer *No.*" When the Secretary has called the roll in order, noting each member's answer in connection with his name, he reads over distinctly those in the affirmative, and then those in the negative, so that mistakes, if any, may be corrected. Adding up the number on each side, he hands the result to the presiding officer, who announces it.

3. When the vote is thus taken on both sides, *pari passu*, and not first in the affirmative and then in the negative, discussion cannot be reopened after the first vote has been given. Every member must vote unless excused. No member can vote after the roll-call has been finished, without permission, and of this the Journal should take notice. After a question has been decided by other forms of voting, and the result declared, the yeas and nays cannot be called for on it. A member may, by permission, change his vote, even after the business is disposed of, provided such change does not affect the general result.

SEC. VIII.—PROTEST.

1. A protest is a solemn and formal declaration by members in a minority, bearing their testimony against what they deem a mischievous action or erroneous judgment of the majority, and is generally accompanied with a detail of the reasons on which it is based.

2. None can join in a protest against a decision, except those who had a right to vote on said decision.

3. If a protest be couched in decent language, and is respectful to the body, it must be recorded. The body whose action is dissented from may, if deemed necessary, put an answer to the protest on record, along with it. Here the matter must end, unless the protestors obtain permission to withdraw their protest absolutely, or for the sake of amendment.

The question to be decided by an assembly—a protest having been presented in due form—is, whether its character entitles it to claim the *right* that belongs to papers of that class. June 6, 1844, "J. Early asked that H. B. Bascom have leave to read to the Conference the Protest that L. Pierce, on Saturday, gave notice would be presented by the Southern delegates." After the reading by Dr. Bascom, "Mr. Simpson offered a resolution to the following effect: 'That while they could not admit the statements put forth in the Protest, yet, as a

matter of courtesy, they would allow it to be placed on the journal; and that a committee, consisting of Messrs. Durbin, Olin, and Hamline, be appointed to make a true statement of the case, to be entered on the journal.' Dr. Winans objected to the word 'courtesy.' The minority asked no courtesy at the hands of the majority; they demanded it, as a right. The chair [Bishop Waugh] decided that the first part of the resolution was not in order, as a minority had a right to have their protest entered on the journal. In this decision two of his colleagues concurred, and one dissented. Mr. Simpson withdrew the first part of his resolution, and the remainder was then adopted." (Journal, p. 113; Debates, p. 212.)

SEC. IX.—COMMITTEES.

1. A committee is a small body of members appointed to obtain information, to digest papers, and to put resolutions into a form suitable to come before the assembly for action. It may be impossible for all the members to examine thoroughly, each for himself, every item of business presented. Hence, a committee as a body, and each member of it personally, should give special attention to every subject referred.

2. Committees are of two kinds—standing and special. A standing committee is appointed for the session, and to it all matters of a certain character as they arise are referred. It may make several reports.

3. A special or select committee examines and reports upon a special subject. The adoption of its report dissolves it, without any farther action. But its report may be received, and action thereon postponed; or the committee may be discharged, and the subject referred to another committee.

4. If a committee, standing or special, makes a report in which the assembly desires certain alterations, the report may be recommitted.

5. The rules of order that govern the main assembly apply in most cases to committees; for a committee is but a miniature assembly.

6. When a subject is referred to a committee with *instructions*, those instructions must be carried into effect. In other cases, the committee may report as it judges best.

7. Committees are appointed by the President, unless the general rule or special order of the assembly otherwise designates.

In the General Conference, the usage is that the delegates of each Annual Conference select one of their number to serve on each of the standing committees. In the Annual Conferences, a committee on nominations is usually appointed, to suggest names on the various standing committees. The report of this committee is subject to amendment, like any other report. It is in order, though not common, for the member who

proposes the appointment of a special committee, to present at the same time a list of persons to compose it, who shall consider and report upon the matter referred to them. This proceeding, under certain circumstances, is not calculated to give weight to the report. Almost any deliberate method of appointment is better than nomination at random, and election by acclamation in a promiscuous assembly.

8. When a committee has been ordered without any number being specified, the next thing to be decided is the number that shall compose it. This is effected in the manner of filling blanks—the largest number proposed being put to the vote first, and proceeding down till a majority is obtained. The member moving the appointment of a special committee is usually put upon it, for the reason that he is presumed to be acquainted with the matter, or takes a particular interest in it. He is named first, by courtesy.

When a bill or other paper is referred to a committee for amendment in its particulars, so as to make it acceptable to the assembly, no one who is known to be opposed to the body or substance of the proposition ought to be appointed on the committee, for the reason that he who would totally destroy will not amend. "The child is not to be put to a nurse that cares not for it," say the old parliamentarians. It is therefore a parliamentary rule, "that no man is to be employed in any matter who has declared himself against it."

Those who take exceptions to some particulars in the bill or paper, are very proper persons to be on the committee. This rule relates exclusively to the case in which the committee are not to consider the general merits of a proposition, but only the amendment of it in its particulars, so as to make it acceptable to the assembly.

9. The person first named on a committee is considered the chairman, whose duty it is to convene the committee and preside therein; and in case of his absence, or inability to act, the next named takes his place and performs his duties.

SEC. X.—REPORTS OF COMMITTEES.

1. A motion for the *reception* of a report is unnecessary, unless objection be made to its consideration at that time. After the report has been read, such a motion is superfluous; it has already been received, and the only pertinent motion is to adopt it, or otherwise dispose of it.

The labor of committees should not be lightly esteemed, or slightingly treated. In the General Conference of 1866, when an important report on its introduction by a committee was met immediately with two substitutes, Bishop Andrew said, "That when a report was brought up, it sometimes looked to him as though every member wished to see if he could not find some defect in it. You do not seem to have much

respect for the opinion of your committees. It is, of course, proper to amend, but it should be done deliberately and prudently." (Conference Daily, p. 146.) In 1844, Dr. Winans remarked upon a motion being made for the indefinite postponement of a report to which he was unfriendly: "He thought that it was exceedingly discourteous, and it was a course he never allowed himself to indulge in, to meet a report which had been under deliberation and consideration probably for days, with prompt rejection. The report of a committee ought to be considered deliberately and calmly, and not hurried to its destination by a movement that was hardly courteous toward any motion made by a member of that body." (Debates of General Conference, p. 79.)

2. The report of a committee should always conclude with a resolution or resolutions, recommending definite action. If the committee would have the assembly commit itself to certain opinions, or adopt any line of policy, or express any wish, it should be cast in the form of a distinct resolution. In this shape its propositions can be accepted, rejected, or modified readily, and as may be agreeable.

3. A report may state facts and arguments, and conclude by condensing them in the form of a resolution, or a series of resolutions; or it may consist of resolutions, without preliminary observations.

4. Where a committee merely reports facts and the result of deliberations, without any specific recommendation or proposition, the report should terminate with, "Resolved, that this committee be discharged from the farther consideration of the subject."

5. When a report consists of a series of resolutions on *distinct* subjects, the President puts the question on each separately, and but once. If the resolutions are on the same subject, and he puts the question on each separately, afterward it may be necessary to put it upon them as a whole. The reason is, that such changes may have been introduced by amending some of the resolutions as to make the series unacceptable. When there is a preamble, the natural order of beginning at the beginning is reversed, in acting on the report: the resolutions must first be voted on, and then the preamble. The reason is, that such changes may be made in the former, as to make alterations necessary for conforming the latter.

SEC. XI.—MINORITY REPORTS.

1. If a committee is not unanimous in opinion, the minority may place their views before the assembly in the form of a separate report. Af-

ter the reading of the majority report, a member moves that it be laid on the table, or that action on it be postponed, in order to hear the minority report. If the motion prevails, as generally it will, the report of the minority will be read. The purpose for which the majority report was laid on the table or postponed having been served, that report, without farther motion, is before the assembly for consideration. It may be adopted with or without amendment, or the minority report may be substituted for it; or the whole matter may be recommitted, or referred to a new committee.

2. A committee should labor to come to agreement: division frustrates in part the object of its appointment. Whenever a committee is divided in reporting, the following are the appropriate terms: "The undersigned, a majority of the committee on ——, etc., beg leave to submit the following report," etc. And, "The undersigned, a minority of the committee," etc.

SEC. XII.—SUBSIDIARY MOTIONS.

1. As a general rule, the proposition first moved should be first put. But this rule gives way to certain forms of subsidiary questions which have been invented to enable an assembly

to modify a proposition before acting on it, or to delay it, or to suppress it.

2. A proposition may strike an assembly in various ways:

(1) It may appear to be inexpedient to entertain it, or come to a direct vote on its merits. For this purpose the motion for *indefinite postponement* serves.

(2) It may not be unacceptable, but information is wanted, or something more pressing claims the present time. This gives occasion for the motion to *lie on the table*, or *to postpone to a given time.*

(3) The proposition may have merit, but it is in such a crude state that a large assembly cannot conveniently reduce it to a shape for action. It may be *referred to a committee.*

(4) The proposition, though good in the main, may be redundant or defective in certain particulars, which can be easily remedied. The assembly, keeping the proposition before it, proceeds to make the desired changes by *amendment.*

3. While primary and also secondary propositions are under consideration, questions may arise that are *incidental* to them:

(1) Exception may be taken to the manner

or order of proceeding. This raises a *question of order.*

(2) At any stage of the proceedings it may be thought necessary to have a document read that bears upon the case. Hence *the motion to read papers.*

(3) The mover of a proposition may have changed his mind, or see cause to withdraw it from before the assembly, after it has been voted on. He asks *leave to withdraw his motion.*

(4) A rule of order may forbid the assembly from disposing of matter in hand, as it desires, at the time. A motion is necessary to *suspend the rule.*

(5) The assembly, weary of debate and impatient of farther delay, desires to come to a vote at once. For this purpose the *previous question* is used.

4. Incidental questions must be decided before those, whether principal or secondary, which give rise to them.

5. Circumstances may occur making it imperative to attend to certain matters in preference to all others. To meet such cases, forms of question have been invented, which, because they are paramount, are called *privileged* questions:

(1) The comfort or safety of the assembly

may be involved; it may be intruded upon by strangers, or disturbed by difficulties among its own members; or the rights of individual members may be infringed. Hence, motions relating to *privileges* must be entertained and settled before other business can proceed.

(2) A motion to take up a subject to which the assembly has pledged itself by a previous vote, gives rise to the *orders of the day.*

(3) An assembly may be exhausted by long attention to business, and need a method by which to obtain relief. A *motion to adjourn* is paramount; for otherwise, it may be kept sitting against its will, and indefinitely.

6. Of motions that can supersede principal motions, there are three classes:

1. *Secondary.*—Indefinite postponement; laying on the table; commitment; postponement to a given time; amendment or substitute.

2. *Incidental.*—Question of order; reading papers; withdrawal of a motion; suspension of a rule; previous question.

3. *Privileged.*—Adjournment; rights and safety; orders of the day.

SEC. XIII.—SECONDARY QUESTIONS.

These are five, and may serve to suppress, postpone, or modify a proposition.

I.—Indefinite Postponement.

This motion is used when it is designed to reject any proposition in a delicate manner. It evades a vote on its merits, and removes it from before the assembly during that session. The motion to postpone indefinitely cannot be debated or amended—as by striking out the word "indefinitely" and inserting a definite day; for this would be transforming one form of question into another, which is inadmissible—a motion to "suppress" into a motion to "postpone."

II.—Laying on the Table.

(1) When something else claims the attention, or more information is wanted, but the assembly would reserve in its power to take up a proposition when it shall suit, it is ordered to lie on the table. It may then be called for at any time. If the motion to lay on the table prevails, the principal motion, with all subsidiary ones attached to it, is removed from before the assembly.

(2) This motion is sometimes used abusively, and made to perform the office of indefinite postponement. Nothing can be legitimately laid on the table but that which on motion can be taken up again.

(3) If decided in the negative, the motion to lay on the table may be renewed whenever new business intervenes, or the matter has progressed till it becomes a new proposition. It is not debatable.

(4) It is in order to move to take the subject from the table at any time; and should the motion be decided in the negative, to renew it again and again, provided any business has intervened between the votes.

III.—Referring to a Committee.

(1) If a subject demands more amendment and digestion than the size and formalities of the deliberative body will conveniently admit, the usual course is reference to a committee: to the standing committee, if one has been raised on that subject; otherwise, to a select committee.

(2) When there are two suggestions—one to refer it to a standing, the other to a select committee—the question should be first put on the reference to the standing committee.

(3) A portion only of a document or proposition may be referred; and different portions may be referred to different committees.

(4) On the motion to commit, the merits of the subject are not open to discussion. The reason is, if the motion prevails, the subject, when re-

ported back to the house, will be debatable; if it does not prevail, the subject remains before the house, and must be disposed of in some other way.

(5) A motion to commit or recommit may be amended by substituting a different committee, by increasing or diminishing the number of committeemen, or by adding instructions.

IV.—Postponement to a given time.

(1) The motion to postpone to a time definite, if decided in the affirmative, has the effect of removing the subject from before the assembly until the time specified, and to make it a privileged question for that time. It is susceptible of amendment—as that one day or time be substituted for another, provided it be within the session of the assembly, so as not to transform this motion into one for *indefinite* postponement.

(2) On the motion to postpone to a given time, it is not in order to speak to the merits of the question. If it fails, it cannot be moved a second time.

V.—Amendment.

(1) There are three different methods of making amendments:

(*a*) By inserting or adding a specified word, phrase, sentence, or section.

(*b*) By striking out some word, phrase, sentence, or section.

(*c*) By striking out some part, and inserting in its stead, or otherwise, some word, phrase, sentence, or section.

(2) When it is moved to amend a proposition by striking out, or by adding, or by striking out some specified words and inserting others, the question should be stated by reading the whole proposition to be amended as it stands; then the words proposed to be stricken out; next, those to be inserted; and finally, the whole proposition as it will stand if amended.

When a proposition consists of several clauses, sections, or resolutions, the natural order is to commence at the beginning and proceed to amend it paragraph by paragraph in succession. The presiding officer should read, or cause to be read, the paper, pausing at the end of each paragraph, and inquiring if any amendment is proposed. Should none be offered, he will pass on to the next, and so on to the end. There is an exception to this in the case of a preamble: as amendment of the resolutions may require a corresponding alteration in the preamble, this latter is not to be considered and amended until the resolutions have been perfected. After all the amendments have been disposed of, the presiding officer should put the final ques-

tion on agreeing to or adopting the whole paper, amended, or unamended, as the case may be.

(3) After any portion of a bill or paper has thus been amended, it is not in order to go back and make any additional alteration or amendment. The only way to reach this point is by reconsideration.

(4) If it be proposed to amend by striking out a paragraph, the friends of that paragraph may make it as perfect as they can by amendments, before the question is put for striking it out.

(5) Not only may the friends of a bill or paper improve it by amendment, but its enemies may use this method for lessening its chances of final adoption. The enemies of a proposition may so alter it by amendment as to entirely change its meaning and intent. This is sometimes done by those who are able to vote down the proposition, but who, for sufficient reason, desire to put it in such a shape as to make its original supporters vote against it themselves.

(6) Whatever an assembly has once agreed to in adopting or rejecting a proposed amendment, cannot afterward be altered; and whatever, in like manner, it has once rejected, cannot be moved again.

All amendments that can be adopted or rejected must consist of *words* that can be inserted, or struck out, or struck out and inserted. Thus, if it is proposed to amend a paper by inserting certain *words*, and the motion prevails, *those words* cannot afterward be amended, because they have been agreed to in that form; so, if it be moved to strike out certain words, and the amendment is rejected, *those words* cannot afterward be amended, because the vote against striking them out is equivalent to a vote agreeing to them as they stand. In like manner, if it be proposed to amend a paper by inserting certain *words*, and the amendment is rejected, *those words* cannot be moved again, for they have been disagreed to by a vote; so also, if it is proposed to amend by striking out certain *words*, and the amendment prevails, *those words* cannot be restored, because they have been disagreed to by a vote.

While it is true that when it is proposed to strike out certain words, and the motion fails, these words, or a part of them, cannot be struck out afterward; it is still true that it is in order to move to strike out all of those words with others, or a part of them with others, provided the connection is such as to make distinct propositions from the former. In like manner, while it will not be in order to insert again the words, or a part of them, struck out by amendment, it will be admissible to move to insert again the same words with others, or a part of the same words with others, provided the coherence is such as to make distinct propositions from the former.

(7) The motion to strike out and insert is a

combination of the other two methods of amendment, and is not divisible. When decided in the negative, it cannot be renewed; but it may be moved to strike out and—

(*a*) Insert nothing; or,

(*b*) Insert other words; or,

(*c*) Insert the same, with other words; or,

(*d*) Insert a part of the same words with others; or,

(*e*) Strike out the same words with others, and insert the same; or,

(*f*) Strike out a part of the same words with others, and insert the same; or,

(*g*) Strike out other words, and insert the same; or,

(*h*) Insert the same words without striking out any thing.

(8) If errors are detected in the minutes of a previous day's proceedings, they may be corrected by motions to amend in any of the ways indicated above. But members are limited to motions to *correct*. They may not propose amendments that do not correspond to the facts of the case. The question is not, what ought the assembly to have done, but what it did in fact do. In moving to amend the Journal, therefore,

members are to act in the character of witnesses, rather than of legislators.

(9) The useful character of amendment gives it a privilege of attaching itself to secondary, as well as to principal, motions. It is in order to amend a motion to commit, by proposing a different committee or adding instructions; or to amend a motion to postpone to a given day, by proposing another day. In like manner, an amendment to an amendment of a principal motion, is admissible. But this piling up of motions can go no farther. It is not in order to amend an amendment to an amendment. To avoid embarrassment, a limit must be fixed; and usage has fixed it after an amendment to an amendment. If the assembly should be dissatisfied with the pending amendment to the amendment, the remedy is to vote it down, and then bring forward what is desired in its stead: in this form it becomes the amendment to the amendment.

When an amendment is pending, motions to amend must be limited exclusively to it: the only motions in order are to add words to it, to strike words out of it, and to strike words out of it and insert others. It will not be in order, therefore, when a motion to amend a paragraph is pending, to move as an amendment to the amendment to alter the words of another paragraph,

or to strike out the whole paragraph proposed to be changed. The reason is, while there may be many questions before an assembly at the same time, there is but one that can engage its attention. All the others are temporarily held in suspense. The question before the house is the pending amendment.

(10) No motion or proposition on a subject different from that under consideration, should ever be entertained by way of amendment.

(11) One proposition may be substituted for another, when the substitute covers the whole matter of the original; and this may be done by moving to strike out all after *Resolved,* in the original, and to insert the substitute.

There cannot be a substitute for a substitute; and Bishop Hedding in the chair, May 23, 1844, decided that an amendment to a substitute was not in order. The General Conference acquiesced in the decision. (Debates, p. 100.)

SEC. XIV.—INCIDENTAL QUESTIONS.

These also must be settled before the questions out of which they arise, and so take precedence of principal and secondary propositions.

I.—Questions of Order.

(1) When a point of order is raised, it ar-

rests all other business, and should be promptly decided. After which, the business pending, unless disposed of by the decision, should be resumed at the point where it was suspended.

(2) The presiding officer is charged with maintaining the rules of order, and any member has the right to insist on this being done. Questions of order, therefore, may be raised in two ways:

(*a*) The presiding officer, in the conduct of business, applies a rule of order to a case pending. Among the members there is a difference of opinion as to the correctness of his interpretation or application. The ruling of the chair is dissented from, and any two members may take an appeal to the house. The question then is, "Shall the decision of the chair stand as the decision of the house?"

(*b*) Or, a member, addressing himself to the President, says, "I rise to a point of order." He is requested to state it; and any one having the floor, yields for the time. When the point is made, the chair decides it. If no objection is offered, the decision governs the proceedings. If there be dissatisfaction, an appeal from the decision of the chair may be taken to the house, whose decision is final.

(3) Questions of order are of two kinds: First, those relating to general principles; as, whether on a motion to reconsider, it is in order to discuss the merits of the subject involved. Secondly, they may be personal; as, when the remarks of a speaker are excepted to as disrespectful, or a departure from the question, or otherwise a violation of order.

In the first case, upon appeal, debate on the point of order is admissible to the extent of a simple and concise statement of the reasons for the ruling and for the dissent. In the second case, no debate is admissible. Questions of order of a *personal* character, whether on appeal from the chair or not, are to be taken without debate.

(4) It is out of order for any one to speak on the decision of a point of order, unless an appeal has been taken from such decision. But the presiding officer may accompany his ruling, if so disposed, with a concise statement of his reasons.

(5) When a speaker, called to order for irrelevancy in debate, personalities, or disrespectful language, abandons his objectionable course of remark, he is usually allowed to proceed. But if, by a formal decision of the chair, or on appeal from the chair by a decision of the house, he is pronounced out of order, such speaker

loses the floor; nor can he proceed, if any member objects, without leave of the house.

II.—Reading Papers.

(1) When printed or written documents are laid before the house, or referred to a committee, it is the privilege of each member to have them read once, before being called to vote on them. And this is so obvious, that when a member in good faith asks for the reading of a paper, the chair usually directs the Secretary to read it, without putting a question. But if any one objects, the question must be put. Or, when it appears that a paper will give important information and dispatch business, the chair may direct it to be read, without the delay and formality of a vote, if no objection be made.

(2) No member has a right to have a book or paper read by the Secretary when he pleases; nor even to read them himself from his seat, or as parts of his speech.

(3) A motion to read papers is not debatable. The reason is—and the general principle applies elsewhere—that a form of question devised to save time, cannot be made the occasion of consuming time.

III.—Withdrawal of a Motion.

A motion or resolution may be withdrawn at

any time by the mover before a decision or amendment. After this, the question must be put to vote, and consent of the majority to withdraw it must be obtained. On the same principle, the mover, with the consent of his second, can modify his proposition (or accept a suggested amendment) at any time before the assembly has taken a vote to amend it, or has decided it, affirmatively or negatively.

IV.—Suspension of Rule.

(1) If an important motion or business of any kind be obstructed by some rule of order, the rule may be *suspended* for the purpose of disposing of the same.

(2) Rules of Order serve, among other purposes, to protect minorities, and as a check upon the hasty legislation of bare majorities; therefore a number greater than a majority is generally required for suspending a rule—as two-thirds or three-fourths of the members present.

V.—Previous Question.

(1) The object of a call for the previous question is generally to wind up an unprofitable debate, and take immediate action on the subject. The motion that the question shall now be put, arrests farther discussion or amendment.

(2) If the motion be decided in the negative, the debate continues; if in the affirmative, the vote must be at once taken, after the form in which the question stands. If there be no subsidiary questions pending, then the vote is on the main question; but should it be encumbered with these, they are to be disposed of in their order till the main question is reached, unless in the meantime it is disposed of.

(3) The previous question cannot be amended; neither can any motion intervene after it is decided in the affirmative, unless it be to determine that the yeas and nays be recorded. The house has ordered the question *now* to be put; and as the present instant is but one, it cannot be modified before the vote, nor deferred after it. To wait till the afternoon or to-morrow, is a contradiction.

(4) Whenever a member shall move that "the question be now put," the President must, without debate, put the question. If the call be sustained by a majority of the members present, the vote must immediately be taken on the pending question, whatever it may be, without farther debate.

The previous question is special, and cannot be used unless the Rules of the body provide for it. Neither is

a motion in order to conclude the debate and take the vote at some hour *near at hand*, unless the Rules contain the previous question.

May 28, 1844—(Afternoon Session.)—"Mr. Crandall moved that the debate be closed, and the vote on the question taken at half-past five o'clock this afternoon." "Mr. Early moved that the motion lie on the table, which was lost." "Mr. Collins inquired if the motion was in order; it was equivalent to the previous question. Bishop Waugh said the General Conference had no rule or express provision on the subject. Now that the point of order was raised, he confessed his inability to decide. Usage and analogy would decide that it was out of order." After consulting with his colleagues, "the President said two of them were doubtful on the subject. He should decide that it was out of order." On appeal, "the Conference supported the decision of the chair" by a large vote, and the debate was resumed. May 29, the order of the day was suspended, and a rule for the previous question adopted. (Debates, p. 159.)

SEC. XV.—PRIVILEGED QUESTIONS.

There are certain questions which, on account of the necessity of the proceedings to which they lead, are entitled to take precedence of all other questions. These are called privileged questions.

I.—Adjournment.

1. A motion to adjourn, though it takes pre-

cedence of all others, cannot be received while a member is on the floor, or while another question is being voted on. A motion to adjourn simply cannot be amended, as by adding to a particular day or hour.

2. If the question be decided for adjournment, it is no adjournment till the chair so pronounces.

3. A motion to adjourn, if decided in the negative, can be renewed after business has progressed to another stage, or another vote has been taken or speech made.

4. This motion, in order to be entitled to privilege, must be simply *to adjourn*. If made in any other form—as to a particular day or time—it is a principal question, and cannot supersede others, and may be amended and debated.

5. When the motion in its simple form prevails, it adjourns the assembly to its next appointed day or hour for meeting. An adjournment *sine die* (without day) is a declaration that that assembly will not meet again by its own appointment, and is tantamount to a dissolution.

6. When a question is interrupted by adjournment before any vote is taken upon it, it is thereby removed from the assembly, and does

not stand before it at its next regular session, but must be brought forward in the usual way. But an adjourned special meeting is regarded as a continuation of a former meeting, and the business should be resumed the same as if no adjournment had taken place.

II.—Rights and Safety.

The occasions which give rise to this class of questions may be unexpected and urgent, such as to hinder all other business from being properly transacted. The safety, dignity, and reasonable comfort of the assembly are to be promptly considered. It is entitled to the undisturbed exercise of its own prerogatives, and of the rights and privileges of each member. Motions involving these are of a high grade—second only to a motion to adjourn.

III.—Orders of the Day.

1. When a subject has been postponed to a given day, it is called the *order of the day.* If two or more subjects are assigned to a particular day, they form the *orders of the day.*

2. If a subject be assigned to a certain hour of the day named, it is not a privileged question until that hour. On the arrival of the time set, the chair should call the attention of the

assembly to the fact. If a speaker is on the floor, he gives way—no other subject is before the house. No motion is needed to bring it up: the hour brings it up. It is now in order to consider it, or to postpone its farther consideration to another time. In the latter case, business will be resumed at the point where it was interrupted.

3. Where a subject has been assigned to a day, and no hour named, a motion to take it up is a privileged question over all other business for every part of that day, or so much of it as is required for disposing of that particular subject.

4. When there are two or more subjects assigned to a day, the motion, to be entitled to privilege, must be for the *orders* of the day in general, and not for any particular one. If it prevail, the chair takes up the questions in the order in which they stand.

5. Whatever business may have been suspended by the order or orders of the day, may be resumed as soon as that to which it gave way has been disposed of. Motions to adjourn, and a question of rights and safety—these only take precedence of a motion for the orders of the day. It must be decided without debate.

SEC. XVI.—THE GRADES OF MOTIONS.

1. As an original or main motion may be superseded by secondary, incidental, and privileged ones, so there is a competition among motions of the same class.

2. Amendment and postponement competing, the question is to be first put on postponement, though it be moved last. The reason is, the amendment is not lost by adjourning the main question: it is before the house again whenever the main question is resumed. But other important business might be lost, while debating the amendment, if there were no power to postpone the whole subject, or to lay it on the table.

3. Amendment and commitment: The question for committing, though last moved, should be first put; because it facilitates and befriends the motion to amend.

4. A proposition postponed to a time definite, becomes a privileged question for that time, and not until that time: a proposition laid on the table remains there until called up by the vote of a majority—this may be done at any time that is convenient. A motion to lie on the table is of higher grade therefore than a motion to postpone to a time definite; and the former takes precedence of the latter.

The following has been presented as an example of the way in which questions may accumulate, by superseding and suspending one another for the time; and all be worked through without confusion or entanglement, by adhering to the rules laid down: (1) There is a principal motion pending; (2) a motion is made to amend; (3) another motion is made to amend the amendment; (4) a proposition is made to commit; (5) a point of order is raised; (6) a question of privilege is raised; (7) it is moved to adjourn. If the complication should be increased by ardent or uninstructed members proposing other motions not pertinent, they should not be entertained, and those legitimately on hand disposed of thus: Put the question first on the motion to adjourn. If that be decided in the negative, then settle the question of privilege; after that, decide the point of order; then put the question on the motion to commit. If the assembly refuse to commit, the questions are to be taken on the amendments in the reverse order, and finally on the principal motion, amended or unamended.

SEC. XVII.—TAKING THE QUESTION.

1. When the assembly is ready for the question, the President states it, or calls on the Secretary to read it, and takes the vote thereon. First, putting it in the affirmative—"As many as favor the motion will say aye," or, "Raise your hands." Then in the negative—"Those opposed to it, (or, of a contrary opinion,) will say no," or, "Raise your hands."

2. If the President is satisfied by the sound of voices or show of hands, he announces the result of the vote—"The ayes have it," or, "The motion prevails," or, "The motion is lost." If the preponderance is not very decided, and he would indicate this, and afford members an opportunity to test it more definitely, he says, "The ayes (or nays) seem to have it." If, after pausing for a moment, no one calls for a division, he positively announces, "The motion prevails," or, "The motion is lost."

3. If any member doubts the decision, or a division is called for, the President says, "As many as favor, etc., will rise and stand until you are counted." The tellers (usually the Secretary and his assistants) having announced the number in the affirmative to the President, he announces it to the assembly. The negative vote is ascertained in the same way, and the result announced. When a question has been put, and the result announced, if any member alleges that the question was not understood by him, the presiding officer may recall his decision, and put the question again. If a member fails to express doubt or call for a division at the time, or for a retaking of the question upon the ground that it was not understood, it is too

late after the assembly has passed on to other business. The decision must stand as announced. If, during a division, a question of order or privilege arises, (for example, the right of a certain member to vote,) it must be decided peremptorily. After the division is over, the decision may be appealed from and corrected; otherwise, there might occur a division upon a division.

4. When it is reasonable to suppose a general acquiescence, the President may economize time by saying, "If no objection be offered, the petition will be received," or, "The Secretary will read the paper," or, "The member has leave to withdraw his motion," etc. In every such instance, the consent of the assembly is taken for granted; and if any one, immediately after a vote has been declared in this summary and informal way, objects, the President should say, "The question has been objected to," and proceed to take it in the regular way.

5. The members being equally divided, and the President having no casting vote, the motion is lost—upon the general principle that a majority is necessary for its adoption.

6. Though the question has been taken, it is no decision until announced by the chair.

SEC. XVIII.—DIVISION OF THE QUESTION.

1. It may happen that a proposition under debate contains several separate and distinct parts, some of which may be pernicious, while the others will be beneficial. Hence the wisdom of the rule in permitting any member, who has a second, to demand a division. It offers the shortest way of amendment, and throws every question upon its own merit.

2. The member calling for a division must state the form in which he would have it.

3. The question is not capable of division into two or more parts unless each can stand by itself, and have a consistent meaning. The President must decide it, as a point of order, whether the division as suggested is practicable.

4. A proposition thus divided becomes a series of propositions, to be considered and acted on one after another.

5. As the opposite of the above, when the matter of two propositions had better be consolidated into one, the mode of proceeding is to reject one, and then incorporate the substance of it into the other, by way of amendment. In like manner, if a paragraph or section is to be transposed, the usage is by one motion to strike it out where it is, and by another to insert it in

the place desired. But in these last cases, reference to a committee is generally advisable.

SEC. XIX.—FILLING BLANKS.

1. When propositions are introduced containing blanks to be filled either with dates or numbers, these must be filled before any motion is made to amend. To do this, the chair will entertain any number of propositions of time or number, not requiring any of them to be seconded, and put the propositions to the vote, beginning with the longest time or largest number, and continue to submit them to vote, in succession, until a majority is obtained.

2. This procedure is applicable only to blanks. If a proposition contain a date or number, it is liable to the common rule for amendment, viz., that any words may be struck out and other words inserted in their place. It is in order, therefore, to strike out a shorter time or smaller number and insert a longer time and larger number, and *vice versa*.

SEC. XX.—COMMITTEE OF THE WHOLE.

1. The committee of the whole, as its name imports, is composed of all the members of the assembly, and its design is to secure for propositions more extended examination and discus-

sion than can be secured under the rules and formalities of the assembly.

2. When a matter has been referred to a committee of the whole, the mode of organizing such committee is as follows: A motion is made and seconded, "That the assembly now resolve itself into a committee of the whole for the purpose of considering the matter relating to ——" (naming the subject.) If the motion prevails, the President calls some member to the chair, or the assembly may appoint a chairman. The chairman thus designated will take the President's seat, and say, "The committee of the whole have referred to them the matter, etc., relating to ———. Let it be read." After it has been read, he will say, "The resolution, etc., is before the committee." This makes it in order for discussion and other proceedings on it to commence.

3. The committee, thus organized, is under the same laws that govern the assembly, with the following exceptions:—

(1) The previous question cannot be moved.

(2) It cannot, like other committees, adjourn to some other time or place; but when it rises, if the business is unfinished, it can ask permission of the assembly to sit again.

(3) It cannot refer any matter to a sub-committee. In this it differs from ordinary committees also; for they can raise sub-committees and refer subjects to them.

(4) Members are not restricted in the times of speaking.

(5) The yeas and nays cannot be called.

(6) There is no appeal from the decision of the chair on points of order.

4. When the committee has finished the business referred to it, a member moves that the committee rise, and that the chairman, or some other member, report its proceedings to the assembly; which, being carried, the President resumes his seat. The chairman should then say, "The committee of the whole has had under consideration the matter relating to ——, and instructed me to report that," etc. The President then presents the report for the action of the assembly.

5. If the business is unfinished, and it is resolved to rise, report progress, and ask leave to sit again, the chairman says, "The committee of the whole has had under consideration the subject of ——; but not having had time to complete the same, has instructed me to report progress therein, and beg leave to sit again."

The President thereupon puts the question on giving the committee leave to sit again. If leave is not granted, the committee is of course dissolved.

6. The committee can consider only what is referred to it. When this is done, if no motion is made, the chairman should say, "The proposition under consideration is closed; the committee will rise."

7. The Secretary of the assembly keeps no journal of the interlocutory proceedings of the committee, and records nothing but the report of the chairman.

SEC. XXI.—RULES OF THE GENERAL CONFERENCE OF 1870.

1. The Conference shall meet at nine o'clock A.M., and adjourn at one P.M., but may alter the times of meeting and adjournment at their discretion.

2. The President shall take the chair precisely at the hour to which the Conference stood adjourned, and cause the same to be opened by reading the Scriptures, singing, and prayer; and, on the appearance of a quorum, shall have the Journals of the preceding day read and ap-

proved, when the business of the Conference shall proceed in the following order, viz.:

(1) Reports of the standing committees.

(2) Reports of the select committees.

(3) Petitions, memorials, and appeals.

3. The President shall decide all questions of order, subject to an appeal to the Conference; but in case of such appeal, the question shall be taken without debate.

4. He shall appoint all committees, not otherwise specially ordered by the Conference; but any member may decline serving on more than one committee at the same time.

5. All motions and resolutions introduced by any member, shall be reduced to writing, if the President, Secretary, or any two members request it.

6. When a motion or resolution is made and seconded, or a report presented, and is read by the Secretary, or stated by the President, it shall be deemed in possession of the Conference; but any motion or resolution may be withdrawn by the mover at any time before decision or amendment.

7. No new motion or resolution shall be made until the one under consideration is disposed of which may be done by adoption or rejection,

unless one of the following motions should intervene, which motions shall have precedence in the order in which they are placed, viz.: Indefinite postponement; laying on the table; reference to a committee; postponement to a given time; amendment or a substitute: provided, that a motion to lay on the table shall be put without debate.

8. No member shall be interrupted when speaking, except by the President, to call him to order when he departs from the question, or uses personalities or disrespectful language; but any member may call the attention of the President to the subject, when he deems a speaker out of order, and any member may explain, if he thinks himself misrepresented.

9. When any member is about to speak in debate, or to deliver any matter to the Conference, he shall rise from his seat and respectfully address himself to the President.

10. No person shall speak more than twice on the same question, nor more than fifteen minutes at one time, without leave of the Conference; nor shall any person speak more than once until every member choosing to speak shall have spoken.

11. When any motion or resolution shall have

passed, it shall be in order for any member who voted in the majority to move for a reconsideration.

12. No member shall absent himself from the service of the Conference without leave, unless he be sick or unable to attend.

13. No member shall be allowed to vote on any question who is not within the bar at the time when such question is put by the President, except by leave of the Conference, when such member has been necessarily absent.

14. Every member who shall be within the bar at the time the question is put, shall give his vote, unless the Conference, for special reasons, excuse him.

15. No resolution altering or rescinding any rule of discipline, shall be adopted until it shall have been at least one day in the possession of the Conference.

16. A motion to adjourn shall always be in order, and shall be decided without debate.

17. Whenever a member shall move that "the question shall now be put," the vote on such motion shall be taken without debate; and if two-thirds of the members voting shall sustain the call, the President shall put the question then pending, and the vote shall be taken

immediately, without debate; and if the pending question shall be an amendment or a substitute, and shall be rejected, the President shall then put the main question, and the vote shall be taken on that, without debate.

The Rules of Order of the last united General Conference in 1844, were adopted by the first General Conference of this Church in 1846, and in 1850, and in 1854. In 1858, after an attempt to amend the fourth rule had failed, the same rules were adopted. May 11, the Conference added a new rule—the seventeenth—as it now counts; a motion to amend it by substituting "two-thirds" for "a majority" was lost. The rules of 1858 were adopted in 1866. The proviso to the seventh has been added since 1850. Frequent changes have been made in the first, as to the times of meeting and adjourning. In 1870 the Rules were reädopted, with a change of "two-thirds" for a "majority," in the last rule.

CHAPTER X.

FORMS OF OFFICIAL PAPERS.

The following Forms are prepared for those who may find it convenient to use them.

NO. I.—CERTIFICATE OF A MEMBER.

The bearer hereof, A—— B——, has been an acceptable member of the Methodist Episcopal Church, South, in C—— Station, [Circuit, or Mission,] G—— Conference.

J. E. E——,
Preacher in Charge.

Columbus, Ga., Jan. 2, 187—.

NO. II.—CERTIFICATE OF AN EXHORTER OR LOCAL PREACHER.

The bearer hereof, N—— M——, has been an authorized exhorter [or local preacher, or deacon, or elder] of the Methodist Episcopal Church, South, in R—— Station, [Circuit, or Mission,] G—— District, T—— Conference.

R. A——, P. E.,
or, L. M. L——, P. C.

Galveston, Texas, Jan. 3, 187—.

NO. III.—EXHORTER'S LICENSE.

The bearer hereof, J. T——, having been duly recommended, and having been examined by the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby authorized to exhort, according to the rules and regulations of said Church.

Signed, in behalf of said Quarterly Conference,

J. W. H——, P. E.

Nashville, Tenn., Jan. 1, 187—.

NO. IV.—LOCAL PREACHER'S LICENSE.

The bearer hereof, J. H——, having been duly recommended, and having been examined, as the Discipline directs, by the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby authorized to preach the gospel, according to the rules and regulations of said Church.

Signed, in behalf of said Quarterly Conference,

J. B——, P. E.

T. P——, Sec.

St. Louis, Mo., June 1, 187—.

The license, upon inquiry into the gifts, grace, and usefulness of the bearer, may be annually renewed. Upon the renewal, a new paper may be issued, or the old one indorsed after this manner: "Renewed, by order of the Quarterly Conference, Dec. 2, 187—. ——, P. E."

The Discipline requires that all votes to license preachers shall be taken by ballot.

Whenever any elder, deacon, or licentiate shall remove from one circuit or station to another, he shall procure from the Presiding Elder of the District, or from the preacher having charge, a certificate of his official standing in the Church at the time of his removal, without which he shall not be received as a local preacher in other places. (Discipline.)

NO. V. — RECOMMENDATION FOR DEACON'S ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR FATHERS AND BRETHREN: J. W. B——, having been for —— years consecutively a local preacher, and having been duly examined by the Quarterly Conference of —— Circuit, [Station, or Mission,] of ——District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby recommended as a suitable person to be ordained deacon.

Signed, in behalf of said Quarterly Conference,

J. C. K——, P. E.

W. H. F——, Sec.

New Orleans, La., Oct. 4, 187—.

The Discipline requires that all votes to recommend preachers for deacon's orders shall be taken by ballot.

"To recommend suitable candidates to the Annual Conferences for deacon's or elder's orders, in the local connection." Nor shall any one be recommended "for ordination without first being examined in the Quarterly Conference on the subject of doctrines and discipline, and giving satisfactory evidence of his knowledge of the ordinary branches of an English education." (Duties of Quarterly Conferences.)

NO. VI. — RECOMMENDATION FOR ELDER'S ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR FATHERS AND BRETHREN: H. P. L——, having been a local preacher —— years consecutively from the time he was ordained deacon, and having been duly examined by the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, is hereby recommended as a suitable person, and qualified by talents and usefulness, and his knowledge of doctrine and discipline, to be ordained elder.

Signed, in behalf of said Quarterly Conference,

H. B. C——, P. E.

J. W. H——, Sec.

Richmond, Va., Nov. 2, 187—.

To the above should be appended a certificate to the following effect:

"This certifies that I believe in the doctrine and discipline of the Methodist Episcopal Church, South.

"Signed, H. P. L——.

"Richmond, Va., Nov. 2, 187—."

The Discipline directs that the local deacon shall, if he cannot attend, send to the Annual Conference, along with his recommendation, "a note certifying his belief in the doctrine and discipline of our Church—the whole being examined by the Annual Conference." It is recommended, for obvious reasons, that in all cases his signature be appended to a note like the above, whether he expects to attend or not.

The Discipline requires that all votes to recommend preachers for elder's orders shall be taken by ballot.

NO. VII.—RECOMMENDATION FOR ADMISSION ON TRIAL INTO THE TRAVELING CONNECTION.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Nov. 25, 187—.

DEAR FATHERS AND BRETHREN: W. H. C——, having been examined by the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, according to the rules and regulations of the same, is hereby recommended as a suitable person for admission on trial into the traveling connection.

Signed, in behalf of said Quarterly Conference,

O. R. B——, P. E.

A. J. N——, Sec.

Montgomery, Ala., Oct. 6, 187—.

The Discipline requires that all votes to recommend preachers for admission into the traveling connection shall be taken by ballot.

"*Question* 1. How is a preacher to be received?

"*Answer*. By the Conference."

Thus stood the rule in 1789. In 1792 it was added,

"But no one shall be received unless he first procure a recommendation from the Quarterly Conference of his circuit."

In 1866 a course of study was prescribed, and an approved examination upon it made an additional condition of reception.

"No one shall be received on trial unless he first procure a recommendation from the Quarterly Conference of his circuit, station, or mission; nor shall a vote be taken upon the admission of any candidate who shall not have passed an approved examination upon the course of study prescribed by the Bishops, before a committee appointed by the Conference for the purpose." (Discipline.)

NO. VIII.—RECOMMENDATION FOR RECOGNITION OF ORDERS.

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR FATHERS AND BRETHREN: J. W. S——, having been received into the Methodist Episcopal Church, South, from the —— Church, and having given satisfaction to the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference, of his ordination as a deacon, according to the forms of the —— Church, and having been duly examined as to his qualifications, and his agreement with the doctrine and discipline of the Methodist Episcopal Church, South, is judged a suitable person to preach the gospel, and to exercise the functions of a deacon; and he is hereby recommended for the recognition of his orders as such.

C. W. K——, P. E.

T. R. D——, Sec.
Augusta, Ga., Oct. 5, 187—.

The above form is applicable to one who desires to unite with our Church as a local minister in orders. If the same person would be admitted into the traveling connection, he must also be furnished with a recommendation of the Quarterly Conference after the manner of No. 7.

Itinerant ministers, in an accredited branch of the Methodist Church, may be received at once, upon taking our ordination vows, and giving satisfaction to an Annual Conference of their being in orders, and of their agreement with us in doctrine, discipline, government, and usages; provided the Conference is also satisfied with their gifts, grace, and usefulness.

NO. IX.—RESTORATION OF CREDENTIALS.

(APPLICATION BY A QUARTERLY CONFERENCE.)

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR FATHERS AND BRETHREN: M. N——, formerly a member of the —— Annual [or Quarterly] Conference, and deprived of his credentials by the same, having given satisfaction to the Quarterly Conference of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference of the Methodist Episcopal Church, South, of his amendment; and having resided within the bounds of the said Quarterly Conference for —— years, and been admitted as a licentiate since ——, is hereby recommended to the —— Annual Conference for the restoration of his credentials, believing that the welfare of the Church would be promoted thereby.

Signed, in behalf of said Quarterly Conference,

A. L. G——, P. E.

M. T——, Sec.

Columbia, Tenn., Oct. 10, 187—.

The credentials of a deprived traveling preacher are filed with the Annual Conference of which he was a member. "And should he at any time give satisfactory evidence to said Conference of his amendment, and procure a certificate of the Quarterly Conference of the circuit or station where he resides, or of an Annual Conference which may have admitted him on trial, recommending to the Annual Conference of which he *was* a member formerly, the restoration of his credentials, the said Conference may restore them." The restoration of the credentials of a local preacher is likewise provided for. (See Discipline.)

NO. X.—RESTORATION OF CREDENTIALS.

(APPLICATION BY AN ANNUAL CONFERENCE.)

To the Bishop and Members of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR FATHERS AND BRETHREN: O. P——, formerly a member of B—— Annual [or Quarterly] Conference, and deprived of his credentials by the same, having given satisfaction to M—— Annual Conference of the Methodist Episcopal Church, South, of his amendment, and having been admitted on trial since——, by said Conference, is hereby recommended to B—— Annual Conference for the restoration of his credentials, believing that the welfare of the Church will be promoted thereby.

Signed, in behalf of M—— Annual Conference.

——, President.

——, Sec.

Memphis, Tenn., Nov. 10, 187—.

NO. XI.—CERTIFICATE OF LOCATION.

The —— Annual Conference of the Methodist Episcopal Church, South, of which —— has been a member, consents that he shall cease to travel from this date. He is, therefore, authorized to exercise his ministry as a local —— in this Church, according to the rules and regulations of the same.

——, President.

——, Sec.

Louisville, Ky., Dec. 20, 187—.

NO. XII.—REPORT OF RECORDING STEWARD.

To the Joint Board of Finance of the —— Annual Conference of the Methodist Episcopal Church, South, to be held at ——, Dec. 8, 187—.

DEAR BRETHREN: The undersigned, Recording Steward of —— Circuit, [Station, or Mission,] of —— District, of —— Annual Conference, submits the following report of the acts of the Board of Stewards of said Circuit, [Station, or Mission,] for the year ending Dec. 8, 187—.

Estimated for preacher in charge	$1000 00
Paid	900 00
Estimated for Presiding Elder	100 00
Paid	90 00
Estimated for Bishops	10 00
Paid	8 00
Estimated for Conference Collection	140 00
Paid	150 00

G. W. W——, R. S.

Salem, S. C., Nov. 20, 187—.

Appendix.

CONFERENCE CLAIMANTS.

The voluntary renunciation by any member of an Annual Conference, upon entering it or afterward, of any claim for himself or family upon the "Conference Fund," does not abrogate the subsequent claim of his widow and orphans. Therefore, if needing aid, the Joint Board of Finance must recognize them in the distribution among claimants, "according to their best judgment of their several necessities." Nor can a Conference enter into any such contract with one of its members. Claims upon this fund may be forfeited by immoral conduct.*

POPULAR DIVERSIONS.

The definition of allowable popular amusements is one of peculiar delicacy and difficulty, as all Evangelical Churches have found. Sobriety and moderation are not characteristic features of the persons for whom they are designed. Hence, diversions that are innocent in themselves, may become harmful in their degree or associations; others are so essentially vicious, or inevitably prone to abuse, that, not temperance, but

*College of Bishops, 1870.

total abstinence, is the only safe rule concerning them. Actionable offenses of this class are to be treated, in the administration of Discipline, under the head of Improprieties and Imprudences. (See Manual, pp. 88–91.) An official ruling was rendered in 1858, applying to the same subject. (See Manual, p. 110.) A special Pastoral Address of the Bishops, called for and indorsed by the General Conference, May 25, 1870, gives a formal expression of the sense of the Church on this subject:—

To the Members of the M. E. Church, South:

Dear Brethren:—We have been requested by the General Conference, now in session, to address to you a brief pastoral letter on the subject of worldly and fashionable amusements. The design of this is to set forth an earnest deliverance as to the danger to spiritual religion arising from lax views of moral obligation at this point, and the peril of the soul incurred by any removal of the ancient landmarks which separate the Church of Christ from the spirit of the world. To the thoughtful, religious mind, the tendency of society in the direction of unrestrained indulgence in all forms of sensuous gratification is alarming. Whether this is the result of a reaction in the public mind from restraints necessarily imposed by years of devastating civil war, or of an advancing civilization which ministers mainly to material ends and luxurious tastes, it is certain that the eager rush of Southern society after amusements of one kind and another is one of the startling signs of the time.

We feel assured that a religion of mere forms and dogmas, whatever its boast may be, cannot arrest this current, or counteract its tendency to ruinous social degradation. Nothing less than a genuine godliness, in the power of its regenerating influence, can meet the necessities of the case. So powerful, indeed, are the fascinations of pleasure, so abounding the iniquity in high places and low, that "the love of many has waxed cold." Young persons of cultivated minds and elegant manners, who may desire to be sincerely religious, are specially

open to danger, from the tone of surrounding fashionable society, and from the plausibilities of the worldly spirit. But the law of *gratification* which rules the world, and offers the present and immediate, is, and ever must be, opposed to the unbending law of *duty* which conscience and God impose.

There can be no compromise here. There can be no inward experience of grace, no valid religion of the heart, which is not preceded by a full, unreserved, irrevocable commitment to the Lord Jesus. This commitment involves self-denial, taking up the cross, and following Christ. It is the surrender of the will to a supreme governing purpose—of the affections to a supreme governing love. A religion of mere culture, of amiabilities and æsthetic tastes, of sentiment, opinion, and ceremony, may readily allow participation in "diversions which cannot be used in the name of the Lord Jesus"—in dancing and reveling, in theatrical, and operatic, and circus exhibitions, in the gambling operations of the turf—not to mention the recently revived excitements of the cock-pit. But the religion which is a divine life in the soul of Christ's true disciple, heeds the voice of conscience, and feels the powers of the world to come. It confers the dignity of holiness, the strength of self-denial, the glad freedom of a spirit rejoicing in the right and good. Such a religion needs not, desires not, allows not, participation in worldly pleasures, in diversions which, however sanctioned by fashion, are felt and known to be wrong by every truly awakened heart. Its spiritual discernment is not deceived by well-dressed plausibilities, by refinements in taste, or respectabilities in social position. It has "put on the Lord Jesus," and made "no provision for the flesh to fulfill the lusts thereof." The influence of this form of religious character may be silent, but it is none the less potent, in the family, by the fireside, at the watering-place, or on the broad thoroughfares of business. What the Church *lives*, will alone affect the world.

In conclusion, we beg to suggest that the pastors of the M. E. Church, South, give heed to these things in the administration of Discipline. Indulgence in worldly diversions of the class aforementioned, we hold to be inconsistent with the baptismal vows of our members, and with their Church covenant. They have solemnly engaged "to renounce the devil and all his

works, the vain pomp and glory of the world, with all covetous desires of the same, and the carnal desires of the flesh," so that they "will not follow or be led by them." The Book of Discipline provides not only against crimes and gross immoralities, but there is process laid down for cases of "imprudent conduct, and indulging sinful tempers or words." We are persuaded that where that process is faithfully, firmly, but kindly followed, these growing evils may be arrested.

That you all, beloved brethren, may be blameless and harmless, the children of God without rebuke—lights in the world, holding forth the word of life, is the earnest desire and prayer of your pastors. "Whatsoever things are true, whatsoever things are honest, whatsoever things are just, whatsoever things are pure, whatsoever things are lovely, whatsoever things are of good report, if there be any virtue, and if there be any praise, think on these things." And may the God of peace be with you!

THE COURSE OF STUDY FOR THE ITINERANCY.

A local deacon or elder, entering an Annual Conference on trial, is required to stand an examination on the full Course of Study exacted of other candidates for the intinerant ministry.*

The case out of which this decision arose was this: A local preacher was admitted on trial into an Annual Conference. He passed an approved examination on the First and Second Year's Course of Study, and was admitted into full connection; but declined to stand an examination on the Third Year's Course, on the ground that, being an elder in the traveling connection, he was not required to submit to the examination prescribed for candidates for elder's orders. The Course of Study is prescribed for ministers in the traveling connection;

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*College of Bishops, 1870.

and though they cannot attain to orders without complying with it, nevertheless compliance with it is not dispensed with if they have been ordained in a local relation.

A traveling preacher of one year may be elected to deacon's orders, but not without passing examination on the First and Second Year's Course of Study. The same rule applies in conferring elder's orders.*

The General Conference of 1866, which shortened the term from two years to one, altered the time-term only, and left that of the Course of Study as it was before.

COURSE OF STUDY.

The following revised Course of Study for ministers in the traveling connection was prepared and published by the Bishops, May 25, 1870:

For Admission on Trial.—The Bible, in reference to doctrines generally; Wesley's Sermons on Justification by Faith, and on the Witness of the Spirit; Book of Discipline; the ordinary branches of an English education.

First Year.—The Bible, in reference to its historical and biographical parts, and its chronology; Book of Discipline, with special reference to Chap. I., Secs. 1 and 2; Manual of Discipline, Chaps. I. and II.; Wesley's Sermons, Vol. I.; Ralston's Elements of Divinity; Watson's Institutes, Part IV.; The Preacher's Manual; Written Sermon on Repentance.

Books of Reference.—Watson's Biblical and Theological Dictionary; Theological Compend; Fletcher's Works; Watson's Life of Wesley.

Second Year.—The Bible, in reference to its Prophetical parts; Wesley's Sermons, Vol. II.; Watson's Institutes, Part III.; Smith's Elements of Divinity; Book of Discipline, with special reference to Chaps. II., III., and IV.; Manual of Discipline,

* College of Bishops, 1869.

Chaps. III. and IV.; Coppée's Rhetoric; Written Sermon on Justification by Faith.

Books of Reference.—Newton or Keith on the Prophecies; Angus's Hand-book of the Bible; Claude's Essay on the Composition of a Sermon; Watson's Sermons; Bickerstith on the Spirit of Life; Whately's Rhetoric.

THIRD YEAR.—The Bible, in reference to the Life of Christ; Wesley's Sermons, Vol. III.; Watson's Institutes, Part II.; Coppée's Logic; Rivers's Mental Philosophy; Edgar's Variations of Popery; Book of Discipline, with special reference to Chap. V. to the end; Manual of Discipline, Chaps. V., VI., and VII.; Written Sermon on the Witness of the Spirit.

Books of Reference.—Young's Christ of History; Neander's Life of Christ; Hickok's Mental Science; Vinet's Pastoral Theology; Stevens's History of Methodism; Paine's Life of McKendree; D'Aubigné's History of the Reformation; Whately's Logic.

FOURTH YEAR.—The Bible, in reference to the Acts and Epistles, their analysis and design; Wesley's Sermons, Vol. IV.; Watson's Institutes, Part I.; Powell on Apostolical Succession; Hickok's Moral Science; Mosheim's Church History; Summers on Baptism; Book of Discipline reviewed; Manual of Discipline, Chaps. VIII. and IX.; Written Sermon on Regeneration.

Books of Reference.—Butler's Analogy; Bingham's Antiquities; Rivers's Moral Philosophy; Hoppin's Homiletics; Wall on Infant Baptism; Litton's Church of Christ; Neander's Church History; Liddon on the Divinity of our Lord; Conybeare and Howson's Life and Epistles of St. Paul.

COMMENTARIES.—Clarke's, Watson's Exposition, Wesley's Notes, Summers on the Gospels, Stier's Words of the Lord Jesus, Lange on the New Testament, Olshausen on the New Testament, Alford on the New Testament, Bloomfield on the New Testament, Macknight on the Epistles, Henry's Exposition, Whitby's Commentary.

NOTE.—The Examination will be confined to the Course of Study. The Books of Reference are recommended to be read, and the Commentaries to be consulted.

Index.

Date Due

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